

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 AUGUST 3, 2006

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 August 3, 2006, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: C.A. Pantle, Chairman
9 Gary Noffsinger
10 Ward Pedley
11 Marty Warren
12 Sean Dysinger
13 Ruth Ann Mason
14 Judy Dixon
15 Stewart Elliott, Attorney
16 Madison Silvert, Attorney

17 CHAIRMAN: I want to call the Owensboro
18 Metropolitan Board of Adjustment to order. Welcome
19 each one of you.

20 At this time we always start our meeting with
21 a prayer and the pledge of allegiance. We invite you
22 if you so desire to join us at this time.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: I want to welcome you to our
25 meeting. Set a few guidelines.

If you have anything you wish to speak on any
of these items, please come to the podium. State your
name, be sworn in by our attorney, and then we'll

1 listen to your questions or problems that you state at
2 that time.

3 Direct your statements to the chairman and
4 we'll find out the answer for you and then we'll have
5 all of this on record available after that. With that
6 we'll start our meeting.

7 First item is consider the minutes of the July
8 6th meeting. They're on record in the office. I
9 don't think we've found any problems with them.

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: With that I'll entertain a motion
12 to dispose of the item.

13 MS. DIXON: Move to approve the minutes.

14 MS. MASON: Second.

15 CHAIRMAN: A motion has been made and a
16 second. All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 Next item, please.

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21 CONDITIONAL USE PERMITS

22 ITEM 2

23 6831 Thoma Drive, zoned R-1A
24 Consider request for a Conditional Use Permit to place
25 a 16'x76' class-2 manufactured home on the property.
Reference: Zoning Ordinance, Article 8, Section 8.2
A10B, Section 8.4/7

1 Applicant: Mike Evans

2 MR. NOFFSINGER: Mr. Chairman, this
3 application has been reviewed by the Planning Staff.
4 It's found to be in order. All adjoining property
5 owners have been notified for this public hearing.
6 Mr. Doug Lane on the Planning Staff is here to give a
7 brief overview of the proposal.

8 MR. ELLIOTT: State your name please.

9 MR. LANE: Doug Lane.

10 (MR. DOUG LANE SWORN BY ATTORNEY.)

11 MR. LANE: The subject property is located in
12 an area of single-family residential uses that include
13 several manufactured homes. OMPC records indicate
14 that three previous Conditional Use Permits have been
15 approved for class-2 manufactured homes on Thoma
16 Drive.

17 The applicant is requesting a waiver of the
18 sidewalk and paved driveway requirements since there
19 are no sidewalks in the vicinity and several homes in
20 the area have gravel driveways.

21 A site plan has been submitted with this
22 application and it appears that the proposed site does
23 comply with the OMPC class-2 manufactured home site
24 standards.

25 The Board has received a copy of the Staff

1 Report and we would like to enter it into the record
2 as Exhibit A.

3 CHAIRMAN: Anything else you want to add at
4 this time?

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Is there anyone wishing to speak in
7 opposition of this item?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none does the applicant
10 have any comments or something you'd like to add at
11 this time?

12 APPLICANT REP: No, sir.

13 CHAIRMAN: Does the board members have any
14 questions of the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Staff have anything else?

17 MR. NOFFSINGER: No, sir.

18 CHAIRMAN: Entertain a motion to dispose of
19 the item.

20 MR. PEDLEY: Motion to approve based on
21 findings we have heard no opposition on this item.
22 The use is compatible with the neighborhood and will
23 not have an adverse influence on the neighborhood.
24 The condition that we waive the sidewalk and the 21 by
25 22 gravel parking pad and all other requirements shall

1 apply.

2 CHAIRMAN: Is there a second to the motion?

3 MR. DYSINGER: Second.

4 CHAIRMAN: Is there any other comments or
5 questions from the Board?

6 (NO RESPONSE)

7 CHAIRMAN: Staff have anything else?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Hearing none all in favor of the
10 motion raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Next item, please.

14 MR. NOFFSINGER: Mr. Chairman, there has been
15 a request by the applicant on Item Number 4 that the
16 Board suspending the rules and to move Item 4 up to
17 Number 3. I think the applicant has a fund raiser
18 that's going on tonight at the Boys & Girls Club that
19 they need to attend. I think that item will just take
20 a little bit of time, but it will require this Board
21 voting on moving that item up if you so choose.

22 CHAIRMAN: What's the Board's pleasure?

23 MR. DYSINGER: Move to suspend the rules and
24 hear Item Number 4.

25 MS. MASON: Second.

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: We'll proceed with Number 4 at this
4 time.

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6 VARIANCE

7 ITEM 4

8 3415 Buckland Square, zoned R-3MF
9 Consider request for a Variance to increase the
10 maximum height of a yard sign in a residential zone
11 from 10 feet to 29 feet and to increase the maximum
12 area of a sign in a residential zone from 150 square
13 feet to 240 square feet.

14 Reference: Zoning Ordinance, Article 9,
15 Section 9-4(c)(1)(3)

16 Applicant: Cliff Hagan Boys & Girls Club, Inc.

17 MR. NOFFSINGER: Mr. Chairman, this
18 application has been reviewed by the Planning Staff.
19 It's found to be in order. It has been advertised for
20 public hearing at this time and all adjoining property
21 owners have been notified.

22 Mr. Doug Lane on Planning Staff is here to
23 give a brief overview of the proposal.

24 MR. LANE: The subject property is located in
25 Heritage Park, which is a mixed use development
consisting of single and multi-family residential,
professional/service, industrial and business uses.
The applicant is proposing to locate a 12'x20' free
standing sign, which would be no higher than 29 feet,

1 approximately 20 feet off the north property line.

2 The proposed sign would be located towards the
3 rear of the property in order to increase visibility
4 of the proposed sign from the Wendell Ford Expressway.
5 The sign would be located in an area of
6 non-residential uses and locating the sign at the
7 proposed location would help create greater awareness
8 of the location of the Boys & Girls Club.

9 Furthermore, the Declaration of Covenants,
10 Conditions and Restriction of Heritage Park provides
11 that free-standing signs may not exceed 120 square
12 feet; but on July 13, 2006, the O'Bryan Heirs
13 Development Review Board approved a variance to allow
14 the applicant to construct a free-standing sign being
15 no greater than 240 square feet.

16 Also, a final development plan for the Boys &
17 Girls Club was approved on November 1, 2004, and
18 approval of this variance would require the applicant
19 to submit a minor amendment to the existing final
20 development plan.

21 Staff recommends approval with the condition
22 that the applicant submit an amended final development
23 plan for approval. However, there are single-family
24 residences to the east that may be able to see the
25 proposed sign from the rear yard and any testimony

1 from the affected property owners should be taken into
2 consideration.

3 The Board has received a copy of the Staff
4 Report and we would like to enter it into the record
5 as Exhibit B.

6 CHAIRMAN: Any board members have any
7 questions of the Staff?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none is there anyone here
10 this evening opposing to this variance?

11 (NO RESPONSE)

12 CHAIRMAN: No one against it or questions?

13 (NO RESPONSE)

14 CHAIRMAN: Does the applicant have anything
15 you all would like to add at this time?

16 APPLICANT REP: No.

17 CHAIRMAN: Any Board members have any
18 questions of the applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Staff have any other comments or
21 questions?

22 MR. NOFFSINGER: No, sir.

23 CHAIRMAN: Entertain a motion to dispose of
24 the item.

25 MR. DYSINGER: Mr. Chairman, move to approve

1 given the findings that a free-standing sign should
2 not create an unsafe situation and should not
3 negatively affect the public health or welfare; will
4 not alter the character of the general vicinity as the
5 proposed sign will be located in an area of
6 non-residential uses.

7 Also, the Boys & Girls Club is a benefit for
8 the youth of the community and with the condition the
9 applicant submit amended final development plan for
10 approval.

11 CHAIRMAN: Is there a second to the motion?

12 MR. PEDLEY: Second.

13 CHAIRMAN: A motion has been made and a
14 second. Any other comments from the Staff?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Board members have any other
17 comments or questions?

18 (NO RESPONSE)

19 CHAIRMAN: The applicant, you have anything
20 you'd like to add?

21 State your name, please.

22 MR. WINKLER: Steve Winkler, Director of the
23 Boys & Girls Club.

24 (MR. STEVE WINKLER SWORN BY ATTORNEY.)

25 MR. WINKLER: Just want to say thank you for

1 moving us up on the agenda. We do have a major fund
2 raiser with Tubby Smith coming in in about 40 minutes.
3 So we need to get to that.

4 Also, we just want to make sure that we are
5 serving the needs of the community. We have served
6 over 2,000 kids last year and the presence of the sign
7 would even more give so to the community. The Boys &
8 Girls are doing a tremendous job in Owensboro.

9 CHAIRMAN: Any other questions from the Board
10 or the Staff?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: All in favor raise your right hand
13 of the motion.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 Item Number 3 now.

17 -----

18 CONDITIONAL USE PERMITS

19 ITEM 3

20 4301 Veach Road, zoned A-U
21 Consider request for a Conditional Use Permit to
22 construct and operate a substance abuse recovery
23 facility to serve a maximum of 100 residents.
24 Reference: Zoning Ordinance, Article 8,
25 Section 8.2 C1
26 Applicant: Owensboro Regional Recovery, LTD, Phillip
27 and Corine Hedden

28 MR. NOFFSINGER: Mr. Chairman, this

1 application has been reviewed by the Planning Staff.
2 It's found to be in order. It has been advertised for
3 public hearing at this time and all adjoining property
4 owners have been notified.

5 Mr. Doug Lane on the Planning Staff is here to
6 give a brief report as to the key character of the
7 area.

8 MR. LANE: The subject property is a vacant
9 tract of land that's located directly north of the
10 Wendell Ford Bypass east of Veach Road. The subject
11 property is surrounded by agricultural land to the
12 west and single-family residential uses to the north.
13 A minor subdivision plat was approved for the subject
14 property on August 19, 2002. The previously approved
15 minor subdivision plat indicated that access to the
16 subject property is restricted to one access point 150
17 feet from the south property line and that 25 feet of
18 half right-of-way existed along Veach Road. The
19 subject property is also located in the 100-year flood
20 zone.

21 The Board has received a copy of that Staff
22 Report and we would like to enter that into the record
23 as Exhibit C.

24 Additionally, Staff contacted Keith Harpole,
25 Associate Director for Transportation Planning, with

1 the Green River Area Development District, about the
2 need for roadway improvements on Veach Road because of
3 the proposed development. Mr. Harpole then submitted
4 an email to the OMPC that we would like to enter into
5 the record as Exhibit D.

6 The letter states that with the proposed
7 development, there isn't a need to improve Veach Road
8 at this time, nor are there any scheduled roadway
9 improvements for Veach Road in that area. However, if
10 the parcel is further developed, a right turn lane
11 would be recommended.

12 Mr. Harpole also indicated that he believes a
13 majority of the traffic will access the property from
14 the south, utilizing Salem Drive and Veach Road.

15 So, in accordance with Mr. Harpole's
16 recommendation, Staff would recommend that if the
17 board approves this Conditional Use Permit it be
18 subject to the applicant submitting a minor
19 subdivision plat to increase the half right-of-way
20 from 25 feet to 30 feet in lieu of making improvements
21 to Veach Road and to accommodate any future roadway
22 improvements that may be needed along Veach Road.

23 The applicant also submitted a site plan for
24 the proposed development that shows landscaping along
25 the proposed vehicular use areas. The landscaping

1 ordinance requires that a 3 foot high element with a
2 tree every 40 feet be installed along vehicular use
3 areas adjoining residential properties and public
4 streets. The applicant has proposed to provide a
5 staggered row of evergreens along the vehicular use
6 areas to meet this requirement. Although the zoning
7 ordinance only requires a 3 foot high element be
8 installed, the applicant has proposed to exceed that
9 requirement by planting a minimum 5 foot tall
10 continuous element at planting. However, Staff
11 recommends that the applicant plant evergreens that
12 mature with a low spread around the base of the tree
13 to accommodate the required three foot high element,
14 provide additional screening and help relieve any
15 headlight glare that may affect the adjoining
16 residential properties.

17 Staff would also recommend that the
18 landscaping along the vehicular use area adjacent to
19 the residential properties be extended approximately
20 100 feet to the west into the existing utility
21 easement. The applicant should request an easement
22 release in order to extend the row of evergreens or at
23 a minimum install a three foot high solid, continuous
24 element into the easement. However, any testimony
25 from the affected property owners in regards to

1 screening should be taken into consideration.

2 If the Board approves the Conditional Use
3 Permit, Staff would recommend the approval be subject
4 to the following conditions:

5 1) A minor subdivision plat be submitted to
6 increase the half right-of-way from 25 feet to 30
7 feet;

8 2) Landscaping along the vehicular use area
9 adjacent to the residential properties be extended
10 approximately 100 feet to the west into the existing
11 utility easement;

12 3) Evergreens be planted that mature with a
13 low spread around the base of the tree.

14 I did receive a letter from an adjoining
15 property owner that they would like me to read into
16 the record as well.

17 " I have lived at 718 Higdon Road for almost
18 30 years. This property is in the flood plain and I
19 know from experience what happens when it rains.
20 There have been times after a heavy rain when Higdon
21 Road was flooded so badly I could not go to work.
22 After the flood in 1997, water was over my front yard
23 and back porches, two feet above the ground and to my
24 front door. There was over two feet of water in my
25 garage. Some of my neighbors had water in their

1 homes, resulting in damaged carpets, furniture and
2 other personal property.

3 "Thompson Homes is in the process of building
4 a subdivision with about 150 homes to the immediate
5 west of Higdon Road. Even with the new lake to the
6 north, Veach Road between Owensboro Country Club and
7 Salem Drive is now flooding. There are no ditches to
8 accommodate the run off.

9 "I strongly believe that more development in
10 this area will flood the homes on Higdon Road.
11 Flooding and safety issues need to be a serious
12 concern of the Recovery board members and all involved
13 in this endeavor. Perhaps a different location should
14 be considered.

15 "The need for the proposed facility is
16 understandable, but I hope it is not at the expense of
17 my home, my back yard privacy and my personal safety.

18 "I am sure everyone living here or owning
19 property in this area will agree.

20 "Sincerely, Janice A. Boone, 718 Higdon Road."

21 I would like to enter that into the record as
22 Exhibit E.

23 MR. DYSINGER: Mr. Chairman, I have a question
24 real quick before you get done.

25 You mentioned it was a letter. It's a letter.

1 It's not an affidavit?

2 MR. LANE: It's a letter.

3 MR. DYSINGER: Do you know, did the person who
4 wrote the letter have any expertise in drainage, that
5 sort of stuff?.

6 MR. LANE: Not that I'm aware of.

7 MR. DYSINGER: Thank you.

8 CHAIRMAN: Any other questions of the Staff at
9 this time?

10 (NO RESPONSE)

11 CHAIRMAN: Any other objections filed in the
12 office?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Does the applicant, who I think
15 there's a number of people on both sides, is the
16 applicant ready to come forward and present your item
17 at this time please.

18 MR. ELLIOTT: State your name, please.

19 MEYER: J.D. Meyer.

20 (MR. J.D. MEYER SWORN BY ATTORNEY.)

21 MR. MEYER: Ladies and Gentlemen of the Board,
22 I'd like to thank you for entertaining our request
23 tonight.

24 My name is J.D. Meyer and I am a board member
25 of Lighthouse Recovery Services.

1 Let me first tell you that Lighthouse Recovery
2 Services is an entity operating currently within the
3 City of Owensboro serving those individuals with
4 certain addictions. We've been in operation since
5 2001. We operate out of four houses in the downtown
6 part of Owensboro on Clay Street and West Fifth
7 Street, and we have another house on Bolivar.

8 In the four or five years that we've been in
9 existence, we've had 200 graduates from our program.

10 Several years ago or about 18 months or so ago
11 Governor Fletcher announced the Recovery Kentucky
12 Project, which was his proposal to build ten recovery
13 facilities throughout the state. He identified
14 addiction and the problems that substance abuse cause
15 in communities and within the Commonwealth and
16 embarked on a tremendous project to put several
17 governmental agencies together to come forward and
18 address this issue.

19 There's no doubt everyone in this room
20 probably knows someone very close to them that has
21 been affected by such an addiction. The end result we
22 see it every day in our papers, in our court system,
23 our police officers, and in the homes and families of
24 other individuals.

25 Lighthouse began and applied under this

1 program. Our model is the exact model that the
2 governor wanted to place within these facilities. So
3 this was a home, a bigger home for us. We ask tonight
4 that you approve this project.

5 We have Rick Pierce with PDC companies who is
6 the developer on the project. We have Don Bryant with
7 Bryant Engineering who is here and performed some
8 initial survey work.

9 This is a major project for Owensboro. It's
10 approximately a \$4 million facility that will help
11 address those people and the problems that addicts in
12 our community have and restore them to productive
13 lives. Right now they're a drain on our society.
14 There's a revolving door. I wish Judge Castlen could
15 be here tonight. The judges see the revolving door of
16 the jail system. Unless we step forward and take some
17 initiative to address that revolving door, it will
18 just continue only causing a drain on the rest of our
19 society. This program is designed to take good people
20 who have made a mistake, restore them to being
21 productive citizens. Put them back out in the
22 community so that they can raise their children, they
23 can work in our society, they can pay taxes, and they
24 can spend their money here in our community. So we
25 believe that everything that is done to foster that

1 will only better our community.

2 With that having been said we would field any
3 questions that the board may have.

4 CHAIRMAN: Board members have any questions at
5 this time?

6 MR. DYSINGER: J.D., you mentioned the other
7 facilities. Could you give us those locations again?

8 MR. MEYER: We operate on 518 East Fifth
9 Street. We have another facility that is on Bolivar
10 Street that's almost at the corner of Fifth Street.
11 Then we have two houses on Clay Street between Fourth
12 Street and Third Street. 523 Clay Street and 525 Clay
13 Street I believe are the exact addresses.

14 MR. DYSINGER: Thank you.

15 MS. MASON: If this is approved tonight, will
16 those continue to operate or will they move to this
17 facility?

18 MR. MEYER: This facility is designed to be a
19 men's facility. Two of the facilities, the ones on
20 Fifth Street and Bolivar currently are serving women.
21 The men's facility most of the individuals would
22 probably be transferred to the program and out to that
23 facility. We may continue to operate those other two
24 houses for our women's division or use for some
25 additional permitted housing for individuals

1 graduating the program.

2 CHAIRMAN: Board have any other questions?

3 MR. PEDLEY: Is this facility being operated
4 under Lighthouse Recovery or Owensboro Regional
5 Recovery? The application was by Owensboro Regional
6 Recovery, LTD.

7 MR. MEYER: Lighthouse Recovery will be the
8 general partner of that limited partnership and will
9 control the day-to-day operations of the facility. It
10 has to be structured in this manner under a
11 complicated system in the way of organizing and
12 obtaining the funds for the construction of the
13 facility. You have tax credits that are available
14 that certain investors purchase those tax credits and
15 they are the other member of that Owensboro Regional
16 Recovery.

17 Mr. Pedley, Lighthouse will be the servicing
18 arm and will service all of the facility.

19 MR. PEDLEY: Since this is state funded, will
20 this be a statewide facility for anyone needing
21 treatment? Can they come from another state?

22 MR. MEYER: The idea is that the facilities
23 were strategically placed, if you were to go back and
24 look at a map, that they would cover the entire state.
25 Originally designed to be equally divided between mens

1 and women's facility. They were designed to have a
2 regional approach. So that there may be individuals
3 from McLean County, Hancock County, Ohio County who
4 are in the facility. Probably a lot of them will be
5 individuals from Daviess County. There is a facility
6 that is planned to be built in Henderson that will
7 service women that also is to have a regional
8 approach. So that just gives Mr. Pedley an example.
9 But as far as people from Indiana, generally no;
10 however, our program currently and at time does take
11 individuals from the Perry County court system.

12 MR. PEDLEY: You state in your application
13 that this is a Kentucky Recovery Program and the
14 facility will be 100 men maximum capacity.

15 MR. MEYER: Yes, sir.

16 MR. PEDLEY: And there will be on-site staff
17 to provide constant, it says "constant," supervision
18 for the facility.

19 MR. MEYER: Yes, sir.

20 MR. PEDLEY: Is that under the state
21 supervision or will it be local?

22 MR. MEYER: No. That will be employed staff
23 that will be at the facility on site. They will not
24 be correction officers or police officers. They will
25 be employees of the entity who will work there, you

1 know, majority during the day, but they will have
2 security individuals there in the off working hours.

3 MR. PEDLEY: This program is for alcohol and
4 substance abuse.

5 MR. MEYER: Yes, sir.

6 MR. PEDLEY: Is there any sort of screening
7 for sex offenders?.

8 MR. MEYER: Yes, sir. We have an intensive
9 screening process. We have that in place already.
10 The program does not accept violent offenders. Those
11 individuals who would be considered hardened criminals
12 that would have substantial assault charges and major
13 infractions of that nature. Be careful with the word
14 violent and non-violent because sometimes with
15 substance abuse you run into people who may under
16 their addiction get domestic violent charges. I can
17 tell you that anyone who engages in any violent
18 activity while there at the facility will be
19 immediately removed by calling the local law
20 enforcement.

21 All participants in the program are screened
22 prior to their entry to make sure that they qualify
23 and that this program is something that will assist
24 them.

25 MR. PEDLEY: Is this land at present owned by

1 Lighthouse or Owensboro Regional Recovery or is it
2 optioned?

3 MR. MEYER: No, sir. This property, we have a
4 purchase agreement with Mr. And Mrs. Hedden who are
5 both here tonight. I apologize for failing to
6 introduce them. Contingent upon our ability to move
7 this project forward.

8 MR. PEDLEY: Has Lighthouse or Owensboro
9 Recovery spent excessive money on this project to
10 date?

11 MR. MEYER: We have engaged in a lot of time
12 and efforts of individuals in this project.

13 MR. PEDLEY: Thank you. I think that's all I
14 have.

15 CHAIRMAN: Any other questions from the board?

16 (NO RESPONSE)

17 CHAIRMAN: Staff have anything?

18 MR. NOFFSINGER: I have a comment.

19 Mr. Meyer, you mentioned the other centers
20 that you have within the community. Just remind you
21 that if there is a change in the nature of how those
22 centers are used, you may be required to come back
23 before this board for a rehearing on your Conditional
24 Use Permit. If you do make any changes, I just direct
25 you to Mr. Jim Mischel in the planning office to

1 discuss that with him so that we can get you down the
2 right track.

3 MR. MEYER: As an attorney we make all efforts
4 to comply with every law that we have.

5 MR. NOFFSINGER: Very good. One question I
6 have. In terms of those that will be attending this
7 center, as I understand some folks will be coming in
8 voluntarily to enter the facility. Will there also be
9 folks at this facility that are serving a sentence?
10 That are currently serving a sentence?

11 MR. MEYER: No. The individuals, the
12 Department of Corrections has indicated that they
13 would like to utilize up to a third of the beds. Part
14 of the operational moneys comes from the Department of
15 Corrections. So they will have what we envision as
16 being Class D felons possibly, but they are not
17 serving their sentence. They are probated. A
18 condition of their probation for release is that they
19 comply with the requirements of the program. So that
20 if any individual fails or falters in any way, the
21 program is under an obligation to immediately report
22 that back to the individual's probation officer.

23 Other individuals may come - - in addition to
24 the walk-up individuals, you may have individuals who
25 are serving through the court system naturally. Such

1 as the program that takes individuals now and working
2 closely with the district courts as individuals are
3 given the option if they are approved through our
4 screening to participate in the program to defer
5 misdemeanor charges or to probate misdemeanor charges.

6 MR. NOFFSINGER: Thank you.

7 MS. MASON: Mr. Meyer, will there be any men -
8 - because this facility is going to be for men,
9 correct?

10 MR. MEYER: Yes.

11 MS. MASON: Will there be any men that will be
12 coming in that will not be living on site but will be
13 coming in for meetings?

14 MR. MEYER: You may have that. The facility
15 is designed to address the needs of those there.

16 MS. MASON: Living there?

17 MR. MEYER: Yes. You may have graduates of
18 the program who may come back from time to time for a
19 visit or for a meeting. Addiction is not something
20 that is cured, you're just suddenly cured. It's
21 something that you have to deal with your entire life.
22 Those individuals may come back for meetings, but most
23 of the facility, the funds available are all tied to
24 servicing the individuals in that facility.

25 MR. DYSINGER: I have a question somewhat

1 related to that I suspect. Do you anticipate a
2 significant impact on traffic whether it be on Higdon,
3 Salem or Veach? I guess it's sort of related to the
4 last question. In and out, people coming in for short
5 periods of time and leaving.

6 MR. MEYER: Most of the individuals in the
7 program currently do not have vehicles. They rely
8 upon public transportation or bicycles. Therefore one
9 of the benefits to the property is its proximity to
10 the Green Belt. It has a city bus stop that's within
11 a quarter mile, I believe, of the facility near the
12 Social Security Administration building. We do not
13 anticipate, other than Staff, that you will have large
14 traffic patterns on those roads.

15 CHAIRMAN: Any other questions at this time of
16 this gentleman?

17 (NO RESPONSE)

18 CHAIRMAN: Anyone else want to speak for the
19 applicant?

20 MR. ELLIOTT: State your name, please.

21 MR. PIERCE: Richard Pierce.

22 (MR. RICHARD PIERCE SWORN BY ATTORNEY.)

23 MR. PIERCE: I don't know what I can add.

24 J.D. pretty much gave you everything.

25 I'm with the PDC companies out of Little Rock.

1 About 18 months ago J.D. contacted us to act and help
2 him be a liaison between Lighthouse and the Kentucky
3 Housing Corporation and all the other departments that
4 are trying to put their funding into this project.

5 I'm not the engineer and that's why we hired
6 Don Bryant and that is one of the expenditures that
7 you were asking about. He's already started surveying
8 and topographic work. We've already started
9 environmental assessments and other work.

10 I think there was a concern about the 100 year
11 floodplain. As I have understood it, Mr. Bryant may
12 comment or may not, depending on whether or not I say
13 it correctly or not, our intention has been to raise
14 the site first through the earth work process to get
15 it out of the floodplain for insurance and other
16 purposes. But secondly to have on-site retention that
17 is required so that we are not putting water off. As
18 a matter of fact, probably be helping this site and
19 potentially adjoining sites with retention basin.
20 That he will have, as the civil engineer as well, work
21 with all the required agencies, state and local.

22 If there are any other questions - - I think
23 in terms of traffic as well, you're looking at the
24 majority of the pattern not traveling necessarily I
25 guess would be north. I'm a little confused on

1 directions. Up Veach. But under the bypass and more
2 towards the commercial areas and things like that.

3 One of the things that I was impressed about
4 this program is it emphasizes a person walking for
5 health and other reasons. Once they are in a certain
6 stage of their recovery, being able to seek
7 employment, and so the commercial areas on 431, from
8 my aspect as a developer, provided a good way, you
9 now, service and retail entry level jobs where they
10 can start working back in the community. The site
11 made sense from Lighthouse's standpoint for many
12 reasons. More than they've even enumerated tonight.

13 If there are any other questions, I'll be
14 happy to answer them.

15 MR. PEDLEY: I have one other question for you
16 or Mr. Bryant. Has the Corp of Engineers been out to
17 test that for wetland? I see some grasses in there
18 and bushes.

19 MR. PIERCE: I don't know that the Corp has
20 specifically tested. I know part of the results from
21 the phase 1 environmental, which we're expecting in a
22 few weeks, will give an opinion from those
23 professionals as to whether or not there may be
24 wetland present on site. I know that it is also
25 submitted to the Kentucky Clearing House. So the

1 Department of Natural Resources Historic Preservation,
2 everybody has a chance to make a comment. If it's
3 warranted or believed that there are wetlands, then
4 that will be addressed.

5 MR. PEDLEY: If it is a wetland, you know you
6 can't build on it.

7 MR. PIERCE: I'm sure there's a permitting
8 process and a mitigation process.

9 MR. DYSINGER: Sir, who do you represent?

10 MR. PIERCE: PDC Companies.

11 MR. DYSINGER: What is that?

12 MR. PIERCE: It's a real estate development
13 property management and general contracting firm.

14 MR. DYSINGER: Thank you.

15 CHAIRMAN: Any other questions of this
16 gentleman?

17 (NO RESPONSE)

18 CHAIRMAN: Staff have any questions?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: Anyone else for the applicant come
21 forward at this time.

22 MR. ELLIOTT: State your name, please.

23 MR. BRYANT: Don Bryant.

24 (MR. DON BRYANT SWORN BY ATTORNEY.)

25 MR. BRYANT: Basically just add to what's been

1 said.

2 No design work has actually begun on the site.
3 We're completing a topographic survey, which is the
4 first step and boundary work.

5 The entire site is in a floodplain. The
6 entire site will not be raised above the floodplain.
7 Only those areas that are necessary for the building
8 pad and parking and so forth.

9 We will meet one to one displacement as is
10 recommended under the public improvement
11 specifications. This will have to be reviewed and
12 approved by the county engineer and also be submitted
13 to the Division of Water for permitting. All these
14 issues will be addressed in accordance with our
15 requirements or local requirements.

16 CHAIRMAN: Board members have any questions of
17 Mr. Bryant?

18 MR. DYSINGER: I have a question more for our
19 counsel.

20 The question of drainage at this point is
21 something that I've heard that I'm interested in.
22 There are other agencies that take care of that? Is
23 that part of the purview of our process here tonight
24 or how do you see that, Stewart?

25 MR. ELLIOTT: I think you have to consider it,

1 but there's other agencies that control the drainage.

2 CHAIRMAN: You can put the conditions on the
3 applicant. Other agencies have to approve it.

4 MR. NOFFSINGER: That is a requirement whether
5 it's a condition or not. All local requirements be
6 satisfied. What we have here is a preliminary site
7 plan which I assume they want to see if they're going
8 to get their conditional use permit before they go in
9 and prepare a full blown plan for exactly how it's
10 going to be developed. That would be my guess.

11 Because this plan is preliminary. You couldn't go out
12 and start construction with this drawing. You would
13 have to have an engineer drawing addressing drainage,
14 the site elevations, boundaries and whatnot before
15 they could get a permit to begin construction.

16 MR. DYSINGER: So beyond us there are checks
17 on the drainage issue?

18 MR. NOFFSINGER: Yes, sir.

19 MR. BRYANT: I might add to that. The
20 conceptual plan shows a small area for retention.
21 This retention area probably be more than one area.
22 Maybe one to the rear we've suggested. Maybe a wet
23 basin near the entrance to dress up the entrance and
24 also utilize that area under the power line that it
25 can't be built on. Give us better distribution of our

1 retention value. The basins, the total basins are
2 going to cover significantly more of an area on this
3 site than what would be indicated on the conceptual
4 plan. Significantly more. Especially with one to one
5 displacement. That's to achieve than mitigating the
6 runoff from the development because of the impervious
7 area. That's the challenges.

8 CHAIRMAN: Any other questions of the
9 applicant at this time?

10 (NO RESPONSE)

11 CHAIRMAN: Do you have anything else, the
12 applicants, you want to add at this time?

13 (NO RESPONSE)

14 CHAIRMAN: Then the other ones that have
15 comments that you want to make. Is there someone
16 going to be your speaker, spokesman to start out with?

17 MR. ELLIOTT: State your name, please.

18 MS. GOODMAN: Sandy Goodman.

19 (MS. SANDY GOODMAN SWORN BY ATTORNEY.)

20 MS. GOODMAN: If this is permissible, I have a
21 statement from my brother who is a property owner on
22 Higdon Road. May I give you a copy?

23 CHAIRMAN: Yes. Put that in the record.

24 MS. GOODMAN: "This statement was prepared by
25 William E. Goodman who is unable personally to attend

1 this meeting. Mr. Goodman owns property on Higdon
2 Road that adjoins the applicant's property, and would
3 be adversely affected by this requested conditional
4 use permit.

5 "I would like to keep my statement brief, but
6 because of the many and varied issues involved, that
7 will be hard to do. Some of the overriding issues are
8 safety, property values, proposed density issues,
9 floodplain issues, land use issues, zoning issues, and
10 all the related rules, regulations, and laws and their
11 interpretations.

12 "I consider this application #152 for a
13 'conditional use permit' to be a threat to my personal
14 safety and that of my neighbors and the entire
15 neighborhood, including the general public that uses
16 the area streets and the Greenbelt Park Walkway. The
17 proposed site has approximately 800+ feet adjacent to
18 and running along the Greenbelt Park Walkway.

19 "I consider application #152 as a threat to my
20 property values and that of my neighbors and the
21 entire neighborhood.

22 "I have personally owned and worked around
23 areas that are known for crime, drug abuse and drug
24 dealing, and I know what I am speaking about when it
25 comes to safety issues and declining property values,

1 having been a real estate broker and property investor
2 for 30 years. I have also had experience with issues
3 that surround the whole concept of allowing buildings
4 to be built in floodplains and I know this can be an
5 expensive and risky business.

6 "I also consider application #152 as a threat
7 to my property due to the fact that it is being
8 proposed in a designated floodplain with its
9 associated flooding hazards. Evacuation of areas that
10 are subject to flooding presents their own set of
11 problems and associate costs and risks. I am aware
12 that Section 110 of the Comprehensive Land Use Plan
13 states, and I quote, 'Discourage Urban Development in
14 Flood Plains' and Section 8.5.2 of the A-U Urban
15 Agriculture Zone contained in the Owensboro
16 Metropolitan Zoning Ordinance states and I quote
17 'Structures and/or buildings shall not be placed in
18 the designated Flood Plain which tends to increase
19 flood heights or obstructs the flow of floodwater, and
20 which could cause damage to other properties as per
21 Article 18 of the Owensboro Metropolitan Zoning
22 Ordinance.'

23 "The current zoning allows a density of two
24 units per acre for its main permitted uses that of
25 single-family and manufactured homes. The applicant

1 is proposing to house 100 +/- persons in his proposed
2 two-story development. The site is around seven acres
3 and I do not believe that any proposed development
4 should be allowed to exceed the density of the
5 property's principally permitted use which are
6 single-family and manufactured homes, when it is
7 located in a designated floodplain. I have been made
8 aware that the Comprehensive Land Use Plan could
9 provide for a density greater than two units per acre,
10 but I am not sure that an increase in density would or
11 should be allowed on property located in a floodplain.

12 "As of the writing of this letter, I have not
13 been able to find out if the services that the
14 applicant proposes to offer the tenants meet any
15 established norms to qualify as a 'rehabilitation
16 facility.' Unless the applicant provides substantial
17 on site professionally staffed services, such as drug
18 counselors, doctors, security personnel, and emergency
19 service personnel the development could function more
20 as a residential housing development for drug abusers
21 and/or criminals rather than strictly a
22 'rehabilitation facility.'

23 "Due to the substantial residential housing
24 component of this development this proposed facility
25 could easily function as a 24 hour a day 7 day a week

1 housing project for drug abusers. I have heard that a
2 lot of the newer drugs being consumed by the abuser
3 can cause persons to become extremely violent and
4 destructive. This proposed facility would most likely
5 come in contact or could possibly house known sex
6 offenders that may also be drug abusers which as you
7 know would be a safety hazard and cause a lot of
8 sleepless nights, especially for the older residents,
9 guests and visitors in this area.

10 "Back in July 2005 Judge Haire expressed his
11 concerns about the inevitability of this venture
12 falling back on the local government to support, and I
13 agree totally with his opinion. I have read newspaper
14 reports and heard other news reports to the effect
15 that a large portion of the federal, state, and local
16 governmental entities do not and cannot fund their own
17 employee's retirement plans. If they do not have the
18 funds to fund their own retirement plans, how does one
19 ever expect to provide free or subsidized housing for
20 drug abusers. All we need in our neighborhood is the
21 possibility of a future flophouse for drug abusers,
22 dealers and/or criminal at the taxpayer's expense.

23 "When a neighborhood becomes unsafe or its
24 safety is brought into question, real estate values
25 fall and residents move out and people considering the

1 affect area will avoid it. All of which is not good
2 news for the present or future tax base. I figure
3 that if one wanted to reduce the tax base they could
4 build drug abuse facility in every neighborhood in
5 Owensboro and Daviess County.

6 "Another thing that seems well worth
7 mentioning again is that the property where the
8 applicant proposes to build this facility contains 800
9 +/- feet of adjoining frontage along the Greenbelt
10 Park Walkway. I cannot think of a better way to
11 discourage the use of this walkway; as the general
12 public consisting of adults, teenagers, children and
13 families learn of the safety hazards along the walkway
14 they will avoid it.

15 "As members of the Board of Adjustment, you
16 are required to consider safety issues, and the
17 adverse influence on existing or future development of
18 the subject property or its surrounding neighborhood.
19 The way I read the law under which you operate, if you
20 find public safety issues are present and/or the
21 proposed facility would have an adverse influence on
22 existing or future development of the subject property
23 or its surrounding neighborhood the conditional use
24 permits must be denied. I personally do not believe
25 that this applicant can meet all the safety issues and

1 the adverse influence issues including the rules and
2 regulations, goals and objectives of both the
3 Metropolitan Zoning Ordinance and the Comprehensive
4 Land Use Plan which the applicant is required to do
5 so.

6 "I hope that this Board of Adjustments will
7 remember that my safety, the safety of the entire
8 neighborhood and that of the general public using the
9 Greenbelt Park Walkway is paramount as compared to the
10 housing of a limited number of known drug abuser
11 and/or criminals who have elected to violate the
12 public laws.

13 "I am one that does not take lightly a threat
14 to his safety or damage to his property. I am 63
15 years old and I have seen my share of faulty political
16 ventures and policies. I have also had a lot of time
17 to observe the real world and know how it functions at
18 the concept of providing drug abuser their own form of
19 free or subsidized housing at the expense of the
20 public's personal safety and their property values
21 cannot be allowed to happen.

22 "Thank you for your time. May God Help You
23 and The Affected Neighborhood and The General Public
24 reach the right decision on this request for a
25 'conditional use permit.' William E. Goodman, Area

1 Property Owner."

2 CHAIRMAN: Anyone else at this time?

3 MR. DYSINGER: Could I ask a question of the
4 last person.

5 Ma'am, your brother wrote this?

6 MS. GOODMAN: Yes.

7 MR. DYSINGER: He seemed to do a lot of
8 research.

9 MS. GOODMAN: Yes, he has.

10 MR. DYSINGER: It's commendable. Did he
11 happen to research any police response to the other
12 three facilities?

13 MS. GOODMAN: No, that has not been mentioned.
14 He was unable to get a lot of information.

15 MR. DYSINGER: That's all I have right now.

16 CHAIRMAN: Thank you.

17 Next.

18 MR. ELLIOTT: State your name, please.

19 MS. BOONE: Misty Boone.

20 (MS. MISTY BOONE SWORN BY ATTORNEY.)

21 MS. BOONE: I wanted to present for the board
22 tonight we have a signed petition from the neighbors
23 Higdon and Veach Road against the construction of the
24 building.

25 I unfortunately don't have copies. I couldn't

1 find a copier at the last minute, but I would like to
2 submit it in the record.

3 CHAIRMAN: We'll put it in the record.

4 MS. BOONE: That's all I have.

5 MR. ELLIOTT: State your name, please.

6 MR. KIRBY: My name is Roger W. Kirby.

7 (MR. ROGER KIRBY SWORN BY ATTORNEY.)

8 MR. KIRBY: I'm no professional. I'm
9 certainly not like this lady here that presented the
10 written thing. I'm just going to give it to you from
11 my heart.

12 My family moved there in 1964 whenever I was a
13 young lad. I lived there with my parents until 1977,
14 which I married another young lady that lived on the
15 street there.

16 We moved back. We liked the area so well we
17 moved back in 1990 or 1991.

18 When I was a kid we saw water problems a
19 little bit, but as the years went on Owensboro grew in
20 our direction and as the years went by the water
21 problems that we have out there increased more and
22 more. The subdivisions that they're building in our
23 direction, when they lay down the concrete, as
24 Mr. Ward knows very well, don't absorb the water. It
25 just makes it run a whole lot faster, and it runs in

1 our direction faster.

2 Their proposal to develop this ground, as they
3 said to raise it up, up in the floodplain, which will
4 be three or four feet. One gentleman said they were
5 only going to do it to the building, which is going to
6 make the water run that much faster.

7 The drawing that they sent us said that there
8 was going to be a ten foot easement between our
9 properties and then a road. If they flatten the road
10 out, all that's going to do is create a highway of
11 water running right straight toward our property. The
12 erosion that would be between our properties would be
13 enormous. Not only that water would be standing in
14 there all the time. They're going to build a
15 retention places which is going to hold the water,
16 which I don't think the one to one ratio they're not
17 going to hold the water that comes in that field.
18 It's a big field. The lowest spot is between the
19 homes. It don't run to the back of the field. So I
20 don't know how they're going to catch all that water
21 and run it to those basins if they're not going to
22 create some type of drainage system, which we haven't
23 seen.

24 Another thing is the man said, the gentleman
25 said that most of these people will be on foot. We

1 live in kind of like a little isolated area there.
2 It's kind of tucked away from nowhere. We're a good
3 little ways from the golf course. The bypass has got
4 us sheltered there. For somebody that's a drug abuser
5 that they one time can't fix, we're easy picking. Our
6 backyard is there. Most of us don't even lock our
7 garages. Leave doors open. My mom and dad don't even
8 shut their doors half the time.

9 How are we suppose to live with knowing that
10 these type of people are in our backyards all the
11 time.

12 The man there asked about police. Let's hope
13 there is no police reports because if there is there,
14 there is going to be for us. We don't want that.

15 What they propose for us is nothing but
16 problems. They cast nothing but fear in us and
17 nothing but a problem in the future.

18 Would you buy my home? Would you buy my home
19 if it was a place right there in your backyard and you
20 were looking for a home? Would you buy it if it was
21 the same home somewhere else or sitting right there
22 with that in your backyard? Would you buy it? Any of
23 you. Would you all buy it? I don't think so. Not if
24 it set somewhere else, the same exact house.

25 Our property value is going to decrease if we

1 could ever sell and if we had to.

2 CHAIRMAN: Any question of the gentleman?

3 (NO RESPONSE)

4 CHAIRMAN: Next person.

5 MR. ELLIOTT: State your name, please.

6 MR. ROACH: My name is Henry Roach.

7 (MR. HENRY ROACH SWORN BY ATTORNEY.)

8 MR. ROACH: Ladies and Gentlemen, Phillip and
9 Corine Hedden have been my neighbors and my friends
10 for years. I'm talking about 40 years, maybe 50.

11 I farmed this land up until two years ago.

12 When they talk about felons coming across from
13 my house, I'm straight across from this. I can throw
14 a rock on the place.

15 I've dealt with drugs all my life. When I
16 retired from the city, Harold Taylor talked me in the
17 notion to coming to the jail and work for him. Now,
18 you can't keep drugs - - drug will be in this
19 facility. You can take my word for it because drugs
20 was in the jail when I worked at the jail. It's hard
21 to control it.

22 When they talk about convicted felons taking
23 part of these beds, you're getting in my territory.
24 You're getting close to my family.

25 Now, you talk about the water situation. I

1 rode a horse down Higdon Road and the water would be
2 three and four feet deep right in front of these
3 people's property. If they build this up, this
4 facility up to where they meet the specifications,
5 it's going to flood people.

6 I ask each of you: Would you want this in
7 your neighborhood next-door to you? That's why I came
8 down here and express my opinion.

9 The Heddens will be my friends tomorrow I
10 hope. I'm their friend. Thank you.

11 CHAIRMAN: Any comments.

12 MR. DYSINGER: The only thing I would say,
13 Mr. Chairman, since this is the second time this has
14 been mentioned, I live on Bolivar Street. I live four
15 blocks away from one of the facilities. I understand
16 the sentiment, but I do live near one. We're good
17 there.

18 CHAIRMAN: Anyone else have any other
19 comments?

20 Come forward and state your name, please. If
21 you all have anything to add, you have to come forward
22 and state your name.

23 MR. ELLIOTT: State your name, please.

24 MS. WEDDING: My name is Kathy Wedding and I
25 live on Higdon Road.

1 (MS. KATHY WEDDING SWORN BY ATTORNEY.)

2 MS. WEDDING: Mainly what I have are just
3 questions.

4 Can we get a written guarantee that we're not
5 going to get excess flooding, more than what we have
6 had in the past? Are you going to guarantee us? If
7 you build this, it's not going to cause us to have
8 more flooding problem? Are you going to give us the
9 value of our houses as of now?

10 Can we get them to give us a written guarantee
11 that it's not going to belittle our property? Can we
12 get a written guarantee that there's not going to be
13 sex offenders, people that's going to hurt our
14 children?

15 I have a six year old granddaughter they I
16 love dearly. Can you guarantee me that if I bat my
17 eyes something is not going to happen to her?

18 Kathy has a 12, 13 year old daughter. How old
19 is your son, 12. Can you all guarantee us they're
20 safe?

21 Yes, you may live by one of these places, but
22 how many people is in that house?

23 When this gets to be a state funded thing,
24 there will be people in there that the courts put
25 there that don't want to be there. They're going to

1 be there because they have to.

2 Can you guarantee us that they're not going to
3 be breaking out stealing our vehicles? I guarantee
4 you there will be some of them that will know how to
5 hot wire a car. It's not that hard to go through a
6 window. They're going to be wanting money to get
7 drugs. Anything they can get to get their drugs.

8 My sister lived with an alcoholic for 19 years
9 before she divorced him. I cannot tell you the times
10 the neighbors has called us to come get her. There
11 was times her kids were scared the way she looked he
12 beat her so bad. He beat her until he knocked the
13 bolts, the screws and bolts out of the highchair and
14 they had kids. The man is still an alcoholic.

15 I do agree these type of place are a
16 necessity, but not in people's yards. There's all
17 kinds of places on out in the country. There's real
18 estate signs all over the place. Don't have to put it
19 next to somebody's house.

20 Daviess County High School kids jog down that
21 all the time. We put up with coyotes on our porches
22 in the wintertime. We don't want to put up with
23 harden criminals, and there will be hardened
24 criminals. I don't think any of you all can guarantee
25 us that there won't be.

1 Yes, two or three, you know, five, six, maybe
2 ten, that's not so bad. You probably don't have the
3 really bad ones. But when the states gets behind it,
4 there will be court appointed - - I can't think what I
5 want to say.

6 Anyway, there will be people that are bound
7 there, that has to stay there and the only thing
8 they're going to have on their mind is getting out and
9 getting even. Guess who they're going to see first?
10 Us.

11 They have a little girl that would like to be
12 happy in her backyard. If this is, are we going to
13 get an electric fence around our backyards? Are we
14 going to get a permit to carry a gun with us? I mean
15 it may not be quite that bad all the time, but there
16 are going to be instances. People breaks out of jail
17 all the time. There's going to be really bad people
18 there.

19 I mean as of right now, you know, we've got
20 our neighbors. If you spat a little bit, that's it.
21 It's just a spat. I really don't know of anybody
22 arguing. We want to keep our kids safe. That's all
23 we want to do. We just want to work, we want to raise
24 our families and we want to be safe. Thank you.

25 CHAIRMAN: Thank you. We appreciate your

1 comments.

2 Next person.

3 MR. ELLIOTT: State your name, please.

4 MS. STIFF: My name is Debbie Stiff.

5 (MS. DEBBIE STIFF SWORN BY ATTORNEY.)

6 MS. STIFF: My husband and I have lived on
7 Higdon Road for almost 29 years in September. We came
8 there as newlyweds and we've raised a family of seven
9 children on that property. We have still at home two
10 teenage daughters and a five year old who is just
11 starting kindergarten this year. These girls lay out
12 in their backyard. It's been such a safe
13 neighborhood, as they've said. You don't even have to
14 lock things up. You can walk up and down the road and
15 you don't have to worry about anything.

16 My concern is teenage girls feeling free to
17 lay out in their backyard in their bathing suits.

18 I know the Greenbelt is there for people to
19 walk to this facility, but they're not just going to
20 be screened out. People who are on drugs sometimes
21 are disoriented. They had enough drugs that their
22 minds aren't quite right. They're not going to stick
23 to drinking. They're going to be coming up Higdon
24 Road. They may come up Higdon Road and look at the
25 facility. They're going to be walking up Veach Road,

1 they're going to be in front of us, behind us, beside
2 us, and that's scary to us. We've always had a safe
3 neighborhood where we are and that really feels like
4 that's being ripped out from underneath of us.

5 I don't think the general public will like it
6 either because this Greenbelt has been proposed to be
7 a safe way for Owensboro to get healthy. All the time
8 Catholic High, Daviess County and probably every other
9 groups of kids are jogging in front of our house,
10 jogging behind us. Groups of kids, do you think that
11 they will feel safe? Do you think their parents will
12 feel safe or their schools will feel safe when they're
13 going right down beside that facility? It's just a
14 few feet past our back fence.

15 I have a garden out there. How safe will I
16 feel to be out there in my backyard with that garden
17 if just a few feet away?

18 We've talked about felons and if they falter.
19 You can't guarantee they're not going to falter. If
20 they falter, that's always a possibility. Always a
21 possibility that something is going to mess up on the
22 security.

23 You all were talking earlier when you were
24 dealing with other business issues. One of the
25 statements I heard said, we decided this will not have

1 an adverse affect on the neighborhood. I kind of
2 think this might on our neighborhood.

3 It wouldn't affect safety. One of you said
4 something about we have decided that this issue won't
5 affect the safety of this neighborhood. I think this
6 will have an affect on the safety of our neighborhood.

7 So as I was listening to you guys address
8 other issues, the very wording you used to say, no
9 problem, we pass this, go back and read that and see
10 if you can say the same thing about this particular
11 issue concerning our neighborhood. I don't really
12 think you can in all honesty say the same thing
13 because it will have those adverse affects on safety,
14 security, property value.

15 As far as the flooding is concerned, when
16 you're talking about the rains that we get that floods
17 us, because we can do really good in a lot of
18 circumstances, but when the rains come down really
19 fast and it can't go anywhere, those ditches fill up
20 just like that. Our ditch in front of the house, the
21 ditch in the field, the ones that go across Veach
22 Road, they fill up just like that.

23 If we have a big heavy rain, those retention
24 basins will be fine, but they'll fill up just like
25 that. If it continues to rain a little longer, that

1 water is going to get us.

2 In '97 we had water in our house. All the
3 carpet and all the floor had to go up.

4 We're watching a development over across on
5 Veach Road. Lots of feet of dirt in that area.

6 That's scary enough, but then you put it behind our
7 houses too. You've got to understand our concerns.

8 The security won't be there until after hours.
9 During the day they talk about only having staff to
10 manage the place and the security comes in after the
11 staff goes home is the way I understood it said
12 earlier.

13 I think that's mainly my concerns. I think
14 you all certainly would understand, if you were in our
15 shoes I'm certain that you would understand these
16 issues are of extreme importance to us.

17 CHAIRMAN: Any board members have questions of
18 for this lady?

19 (NO RESPONSE)

20 CHAIRMAN: Next person. State your name,
21 please, sir.

22 MR. HAYNES: My name is Robert Haynes.

23 (MR. ROBERT HAYNES SWORN BY ATTORNEY.)

24 MR. HAYNES: I live on Veach Road. I did not
25 get a chance to sign the petition and I would like to

1 do that.

2 There's a lot of talk about these people
3 walking back and forth getting to wherever it is
4 they're going during the day. This area has no
5 sidewalks. Veach Road does not. Salem Drive does
6 not. These people are going to be put on the
7 Greenbelt or on the road. Veach Road is a narrow
8 road. There is more and more traffic out that way
9 now. I think it needs to be looked at for the
10 individuals walking up and down the road. One hundred
11 people walking on the road is quite a few. Basically
12 there's not much car traffic.

13 I personally have had someone renting from me.
14 I own a piece of rental property in town. I had an
15 individual, a family, man, wife, two children rent a
16 house from me. He had a good job. He got into drugs.
17 Lost his job. He chose to go into the Lighthouse
18 program because it was the easiest way out for him. I
19 then helped the gentleman get a job. He didn't stick
20 with his job. I personally was having to drive down
21 to one of the downtown facilities trying to collect
22 the rent from him because he was hit and miss working.
23 I know the gentleman that owns the company that I
24 helped him get a job with. He was calling in to his
25 place of employment that I helped him get and say, if

1 they call looking for me can you say I'm here today,
2 but I've got some other family issues to take care of
3 today.

4 These things needs to be looked at before we
5 consider this.

6 Flooding is a great issue out in this area.
7 Flooding in the roads. We've got people walking in
8 the roads. There's going to be more car traffic. One
9 hundred people, that's a lot.

10 I ask for everyone to please consider this for
11 the safety of the 100 individuals plus staffing.

12 The gentleman who drank he stole from me. I
13 had to evict them. They tore the house up. There was
14 no help and that's the type of individuals. I hope
15 that all of them aren't this way, but I've had
16 firsthand experience with one of them. I live just
17 right around the corner on Veach from the proposed
18 facility. I would like to sign the petition.

19 CHAIRMAN: Questions of this gentleman?

20 (NO RESPONSE)

21 CHAIRMAN: Someone else now. Any other
22 comments at this time?

23 Come forward and state your name, sir.

24 MR. ELLIOTT: State your name, please.

25 MR. ROACH: Danny Roach.

1 (MR. DANNY ROACH SWORN BY ATTORNEY.)

2 MR. ROACH: There's been some very positive
3 statements made on behalf of what they're trying to
4 express to you about this construction. I would like
5 for you all to think about the number one concern and
6 that is safety.

7 I have two kids that live on that road and a
8 grandson. From what I hear, you know, you're talking
9 about putting some people in there that have had some
10 problems. I understand about drug rehabilitation. I
11 know that's not a bad thing. What I'm saying is when
12 you bring these people in, people on drugs, their
13 behavior is very, very unpredictable. They may be up
14 one day, they may be down the next day. People on
15 drugs they're liable to do anything at any time to get
16 what they want.

17 I think that your all's main concern is safety
18 be number one. I think the flood issue is a very,
19 very serious issue to also consider, but safety has
20 got to be your number one consideration in your
21 decision.

22 It scares me to think that we've got felons
23 coming in to this place. I know that's going to be -
24 - you say they're going to be walking quite a bit.
25 Some of them don't have vehicles. They're going to be

1 walking at night in very poorly lit areas. It's a
2 very scary thing. I think you need to listen to what
3 these people are trying to tell you because it's a - -
4 it makes me nervous knowing that the state could
5 possibly come in here.

6 Like my father said, we've know the Heddens
7 for a long time. They're good people. I'd like to
8 see something come in on their property that is not
9 what we're dealing with today. That's all I've got to
10 say.

11 CHAIRMAN: Thank you.

12 Anyone else at this time?

13 MR. ELLIOTT: State your name, please.

14 MR. PAYNE: I'm Thomas Alexander Payne, and I
15 do promise that everything I say will be true to the
16 best of my knowledge.

17 I don't have any testimony to give because I
18 don't know anything about this anyhow. I have a
19 couple of questions that I thought we could get some
20 more information on.

21 I represent the Alexander Evans Heirs, and
22 that's that big farm north of Higdon Road.

23 Is this a lock-down facility and could you
24 elaborate on the nature of security that you have
25 there? I don't think I have a full grasp of what the

1 nature of this is.

2 Then also is there an existing model? In
3 other words, is there one just like this down in
4 Bowling Green maybe you could point to and look at or
5 is this the first of its kind? That's all unless you
6 have questions for me.

7 CHAIRMAN: Before we answer this question, see
8 if anybody else have some comments before we start
9 getting answers from the applicant?

10 MR. ELLIOTT: State your name, please.

11 MR. STANLEY: My name is Dean Stanley.

12 (MR. DEAN STANLEY SWORN BY ATTORNEY.)

13 MR. STANLEY: I think a number of very valid
14 points have been made here this evening. I don't
15 intend to address those again. I do think the issue
16 of safety is paramount. I do think property values
17 are extremely important to all of us who live in this
18 vicinity.

19 I think one thing though that has not been
20 mentioned to this stage that I do think should be part
21 of the record and I'd like to raise that issue and
22 that is this same institution earlier this year was
23 looking at a site along JR Miller Boulevard near the
24 Country Club. Happened to be on the west side of the
25 area, and it was in a highly developed residential

1 neighborhood. They withdrew their interest in that
2 location.

3 Today the location we're talking about is
4 across JR Miller Boulevard over to Veach Road. You're
5 crossing one field. It too is going to be a highly
6 developed residential neighborhood. I think that
7 needs to be part of the record and part of your
8 consideration too because at some point someone
9 realized that it did not appear to be appropriate to
10 have a facility like this in a highly developed
11 residential neighborhood. Thank you.

12 CHAIRMAN: Anyone else have any other
13 comments?

14 MR. ELLIOTT: State your name, please.

15 MR. THOMPSON: Tommy Thompson.

16 (MR. TOMMY THOMPSON SWORN BY ATTORNEY.)

17 MR. THOMPSON: Mr. Chairman, Members of the
18 Board, thank you for the opportunity to address this
19 issue tonight.

20 Section 732 and Article 7 of the Board of
21 Adjustments official definition within the OMPC's
22 Zoning Ordinance speaks to on issues like this when
23 you take that in consideration, conditional use
24 applicants and request.

25 Number one, you look at an issue concerning

1 and address an issue concerning a proper integration.
2 The ability to properly integrate the proposed use in
3 to the existing neighborhood.

4 I think we can fairly say, particularly with
5 the testimony we've heard tonight, that it's very
6 difficult to affectively, economically and naturally
7 integrate a 100 unit attached institutional facility
8 into a detached residential neighborhood.

9 I think you all know that this neighborhood
10 already has established a principal character. That
11 principal character is detached single-family. That
12 character I might submit is being strengthened and
13 enhanced by recent developments, recent residential
14 developments that have been announced and are under
15 way in this immediate neighborhood, which I think will
16 further spawn more like kind development. Like kind
17 being harmonious development, single-family detached
18 projects because that's the nature and character of
19 this development.

20 Now, if I can ask you to recall with me just a
21 little bit. Let's flash back in our community here a
22 couple of years ago when we talked about proper
23 integration and some other projects that broached this
24 subject.

25 Do you remember two or three years ago, I

1 think that's the proper time frame, Daviess County was
2 considering locating a drug treatment facility
3 somewhere in the community. I want to add as a side
4 that I think we desperately need that in this
5 community and all across Kentucky. We need drug
6 treatment facilities to address the cancer that is
7 drug addiction, but it has to be in the proper
8 location and the proper context.

9 Daviess County considered where to locate that
10 drug treatment facility. They were thinking about
11 putting it perhaps at the jail, out on Highway 60.
12 They looked very strongly at a site on Pleasant Valley
13 Road. A lot of consideration was given to the site on
14 Pleasant Valley Road, which was in a residential
15 neighborhood. After much discussion and testimony,
16 the fiscal court voted - I was at the meeting - to not
17 place the facility on Pleasant Valley Road because
18 they felt like they could not be properly integrated
19 into that neighborhood. They decided to put it where
20 I think it should have been put and where it is, next
21 to the existing jail facility on US 60. That's where
22 that facility is now. They're doing a tremendous job.

23 Jailer David Osborne is doing a great job
24 there. Lieutenant Governor Pence just came down about
25 30 days ago and gave some more state money to continue

1 the work that they're doing at that facility at the
2 jail.

3 Another point of integration you might
4 consider is you know there is a state operated
5 juvenile detention facility located on Highway 54.
6 It's almost across from Wendy's and it's pretty near
7 the Wal-Mart facility. That's in a commercial
8 setting. Obviously look at the arterial that Highway
9 54 is. So it's not in a residential neighborhood.
10 It's integrated into a neighborhood that's more
11 compatible with an institutional use which is what
12 this proposal is.

13 Also, if you look further at statute, it talks
14 about the conditional use may be suitable only if it
15 would not have an adverse influence on the surrounding
16 neighborhood. We've had a lot of discussion tonight
17 about adverse influence. You all know better than I
18 that when you look at land use and you look at
19 permitting land use and changing land use, that KRS
20 100 talks about the need to address the public health,
21 safety and welfare.

22 Obviously safety is an issue here. I'm not
23 going to elaborate on that. I think these ladies and
24 gentlemen here have done a tremendous job of
25 presenting the safety implications of this proposed

1 use. That certainly is something that KRS 100 says
2 has to have strong adherence in making a decision on
3 land use.

4 Then we move into another element of KRS 100
5 which is welfare. It says we must look at the welfare
6 and the impact. We're talking here about adverse
7 influence of which these people here tonight have done
8 a great job of echoing.

9 I just want to quickly elaborate that the
10 welfare has to do, in my opinion, one significant part
11 of a person's welfare are their assets. One of the
12 biggest asset, it's not the largest single asset that
13 an individual has, is their home. In this case the
14 residential neighborhood has homes that have value for
15 these stakeholders. These are the stakeholders in the
16 neighborhood, the people that are here tonight.

17 Now, market mechanisms are very insensitive
18 and they're also very unforgiven. In this case, and I
19 might submit that perception is reality.

20 I think that if this proposed use is allowed
21 that market mechanisms will say, there is an
22 incompatible use in this neighborhood. We have an
23 institutional facility that's been forced in to a
24 residential setting. We think that's incompatible. I
25 think that incompatibility will translate into

1 diminution in value. The market makes those
2 determinations. That diminution in value will
3 directly and profoundly effect the welfare of the
4 people that live in this community, that live in this
5 neighborhood.

6 Furthermore, think about projects that are
7 planned and might come to the neighborhood that are
8 single-family in nature. That if in fact the market
9 starts to say, and its insensitivity format which it
10 does often, that we don't think that's as good of a
11 residential area as it can be or should have been and
12 now it's been infected by a nonconforming use. So it
13 will have an impact on the tax collection ability of
14 the community because those developments won't take
15 place. Those taxes won't generate and that will be
16 less money to pay for essential services that
17 government provide with property taxes such as police
18 and fire protection and roads and schools.

19 So I think without question we can say that
20 this proposed project has an impact on the welfare, a
21 negative impact and it will have adverse influences on
22 the neighborhood.

23 Just in summary. I think there are definitive
24 legal facts and findings that will allow you all to
25 deny this application.

1 First of all, I think the first finding is
2 that it's not appropriate or rational to try to
3 naturally integrate this proposed use into the
4 neighborhood because it is incompatible. I'm speaking
5 now of an institutional use. This isn't a two-bedroom
6 house or three-bedroom house or a residence. It's an
7 institutional facility. Almost like an institutional
8 hospital.

9 So, number one, finding of fact is that it
10 cannot be properly integrated into the neighborhood
11 because it's incompatible with the neighborhood.
12 There's not any other use of this type, and I don't
13 think there will be any other use of this type unless
14 this were to be granted because it is predominantly
15 single-family. As I said, market forces are working
16 now to strengthen and enhance the ability of this
17 neighborhood to be more single-family oriented because
18 of some projects that have been proposed.

19 The second finding of fact is that I think, as
20 I said awhile ago, that this proposed granting of this
21 conditional use permit will without question provide a
22 profound negative influence on wealth. I think it
23 will have an adverse influence on the well-being of
24 the people that live in this community. I think it
25 will negatively affect the assets that they own.

1 Whether that's fair or not, it's the real world. It's
2 reality because the market will make that assessment
3 and will accordingly reduce property values as a
4 result of that because of this incompatible
5 institutional use.

6 The final point that I want to make is perhaps
7 hopefully the strongest point. I want to be very
8 clear tonight that I'm not here, I certainly cannot
9 speak for these fine people, but I'm not here tonight
10 to discriminate against a particular class or segment
11 of society. I'm here to speak against an
12 institutional use. It just happens to be that this
13 institutional use that we're talking about tonight is
14 for a drug treatment facility, but I don't think any
15 institutional use is appropriate in this neighborhood;
16 whether that be a juvenile detention facility, whether
17 it be a psychiatric treatment ward, whether it be an
18 orphanage, whether it be an Alzheimer's clinic. I
19 don't think any institutional facility is appropriate
20 for this neighborhood. It just happens that this
21 application is for a particular type. Again, for the
22 record, I'm not here to discriminate, nor do I think
23 these individuals will do that, against a particular
24 class of people or particular segment of society.
25 It's just not compatible for this neighborhood. Any

1 institutional use is not compatible in this area.

2 I think in summary without question there is a
3 need for a facility like this and there are locations
4 and environments within our community that would
5 facilitate and allow the conditional use of an
6 institutional facility. This location just doesn't
7 happen to be one of them.

8 Finally, I would just ask you tonight, as I
9 said again, we're not discriminating against a
10 particular class or group, but I do think you should
11 consider to make sure hopefully your decision tonight
12 and I hope that it would be against this permit so
13 that you don't discriminate against the rights and
14 values and the welfare and the health of the
15 stakeholders of this neighborhood. Thanks for your
16 time.

17 CHAIRMAN: Any board members have any
18 questions of the gentleman?

19 (NO RESPONSE)

20 CHAIRMAN: I think, if I'm correct, most all
21 of you have stated about everything why we shouldn't
22 have this residential in that area. Is there anything
23 else that you all have that you would like to add at
24 this time that hasn't been presented so far?

25 (NO RESPONSE)

1 CHAIRMAN: Any other comments before we try to
2 get the answers from the gentleman back there?

3 (NO RESPONSE)

4 CHAIRMAN: Would Mr. Meyer or whoever wants to
5 speak come forward. I briefly wrote some things down.

6 After hours security. Whether it's going to
7 be some type of walls or something around it or fence.
8 Address the water flow and flooding. If you can
9 guarantee them they won't be flooded more. Their
10 safety and their expense of value of their property.
11 Can you please answer this?

12 MR. MEYER: I will, but I may need some
13 assistance from you reminding me of all those
14 questions.

15 CHAIRMAN: I'll remind you. Be sure to answer
16 them.

17 MR. NOFFSINGER: Mr. Chairman, there's one
18 more. Is there an existing model that you can point
19 to within the state?

20 MR. MEYER: To address Mr. Payne's questions
21 regarding the facility being a lock-down facility.
22 The answer to that question is no. It is not a
23 lock-down facility; however, the individuals as they
24 leave the facility have certain programs that they are
25 leaving the facility to attend. There are designated

1 times at which the agency, at which we will know when
2 they begin. If those people do not arrive at the
3 facility at the time that they are suppose to, then we
4 will be notified. So we will get down to the bottom
5 of where they went. There is a time when all
6 residents are required to be in the facility, a curfew
7 if you will. There are random checks of the beds at
8 night to make sure that all individuals in the program
9 at the facility are there.

10 On that point I would like to raise
11 discussions that we have had about implementing a
12 reverse 911 system. To contact the individuals in the
13 surrounding community, to notify them that someone is
14 out there. That is similar to the system in place
15 currently at the jail facility and one that has been
16 recommended to us by Jailer Osborne in discussions
17 with him as he faced these same concerns when the jail
18 facility was - I don't know if Jailer Osborne did -
19 but Jailer Taylor did. As the facility was
20 constructed on US 60.

21 Those policies and procedures can be
22 implemented and we are open to any additional
23 suggestions that the neighborhood may have.

24 Let me point out to the members of the board
25 and to those members in the neighborhood. One of the

1 things that we realized from some happenings of some
2 different agencies as they applied for programs was
3 that there seemed to be a breakdown and failure of
4 communication between the neighborhood in which that
5 entity and those entities were attempting to place
6 their institutions in and the board itself.

7 Therefore one of the things we sought to
8 implement was creating a position on our board that's
9 designated to a member of the community, member of
10 that neighborhood.

11 Currently Mrs. Corine Hedden, the owner of the
12 property, is a member and has been a member of our
13 board for over a year. We see and we feel that that
14 is an avenue to help ensure that from this time
15 forward any concerns the community can be addressed,
16 there is a neighborhood liaison.

17 Mr. Payne also requested and asked whether
18 there was an existing model. The answer to that is,
19 yes. In fact, there are two existing models. We can
20 make arrangements for anyone to tour that facility.

21 The governor when he looked to implement this
22 program wanted to put items in place, a program in
23 place to prove successful. He modeled and what he saw
24 there was an entity known as the Healing Place that's
25 located in Louisville, Kentucky. Another facility

1 known as the Hope Center is in Lexington, Kentucky.
2 Those two facilities have been in existence, have
3 proven to be successful, have operated, the Healing
4 Place in particular, in the west end of Louisville. I
5 have spoken and many members of our board and our
6 staff have spoken with Mr. Jay Davidson, the director.
7 He actually came to Owensboro to discuss this project
8 and this prosal. It's been quite some time. At that
9 meeting he did explain and express that in fact the
10 safest area in West Louisville he would attest is
11 within a two mile radius of the Healing Place
12 facility.

13 Those individuals who are in the program, if
14 they have a wayward moment, the last place they want
15 to be is anywhere near the facility. They don't want
16 to be there. They want to go back to where they came
17 from, wherever that may be. Whether it's a small
18 little house in the center of town or whether it's the
19 biggest mansion out in the richest neighborhood. It's
20 a problem that affects all various lines of life. Not
21 just the one particular class of individuals.

22 Those individuals typically return to the
23 roots that got them into the situation that they are
24 in.

25 The other thing playing in the favor of

1 ensuring the safety of that facility, in
2 Mr. Davidson's words, are that if there is a problem
3 in that area whose the finger going to be pointed at?
4 It's those individuals who are in recovery. The last
5 thing they want is to have the finger pointed at them.
6 So they take it upon themselves, those individuals in
7 the program that don't want to be the dead beats or
8 the drug addicts. They're the reason that it's
9 cleaned up. They make it known that it will not be
10 tolerated in that area. It's been successful.

11 I would like to add that the Lighthouse
12 program is based upon the Healing Place model. It has
13 the same programs, the ideas, the concepts in place.
14 We don't have the size of facility that the Healing
15 Place or the Hope Center has. That's what this
16 facility would provide.

17 There's a lot of questions about property
18 location.

19 CHAIRMAN: Let me ask you one question where
20 you were talking on safety and stuff. Can you assure
21 these people that the safety there will be better than
22 it is at the jail? Because I live close to it and
23 have property and there's two or three hours sometimes
24 before they notify us of anything.

25 MR. MEYER: Assurances are a difficult thing

1 to make. No one can predict the future and no one can
2 predict what's going to happen. I can't predict
3 everything. What I can assure people of is that this
4 facility and those that are running it long after I'm
5 gone from the board, and any of our board members and
6 the director that's here tonight are gone, is that
7 every possible thing that can be done to ensure the
8 safety of that community will be done, but I can't
9 guarantee you that nothing is going to happen because
10 no one can offer a guarantee such as that.

11 In addressing the property location - -

12 CHAIRMAN: Water and flooding.

13 MR. MEYER: The way this program is designed
14 to operate and the way it was put together was based
15 on the concept, okay, we can take these agencies of
16 the government, state and federal, we can find and we
17 can put together construction moneys to build a \$4
18 million facility, but what's that going to do? We
19 stop there how is it going to operate?

20 The facility and the program, as the governor
21 put it together, provides the operational dollars.

22 One component of the operational dollars is
23 that part of the property qualifies to receive Section
24 8 Voucher assistance. Section 8 Vouch ers are
25 administered in our county by two agencies. The

1 Housing Authority of the City of Owensboro and the
2 Kentucky Housing Corporation. Obviously Section 8
3 Vouchers of the Housing Corporation are defined within
4 the city limits. The section 8 Vouchers that are
5 offered by the Kentucky Housing Corporation are within
6 the county.

7 To make sure that our program did not place a
8 strain upon the existing voucher program of the City
9 of Owensboro, we had to find locations that were
10 within the county but close enough to the city to
11 allow for the walking and the transportation needs of
12 the individual participants. So we had to essentially
13 find county property within the city limits. We all
14 know it exist. It's one that city and county
15 officials have been debating. But in this instance it
16 was the one property type that fit this model and made
17 it work because in my conversation with David Condon
18 of the Housing Authority, they don't just have 35
19 extra vouchers to hand to this program. Kentucky
20 Housing Corporation does.

21 So that's why, as far as property location, we
22 had to find a needle in a hay stack that was within
23 the boundaries and the confines of the city, but
24 technically in the county, so that it could satisfy
25 the walking and traveling requirements of those

1 individuals in the program who, as I said earlier,
2 frequently do not, most of them don't have
3 automobiles.

4 We did address Mr. Stanley and his comments,
5 as he brought up the fact that we withdrew our initial
6 application or initial indication for a site on I
7 believe it was Kipling Drive. At the time of the
8 announcements of this project we actually identified
9 that property as being our number one choice. This
10 property that we're speaking about tonight as the
11 number two choice, as Kentucky Housing Corporation
12 wanted to approve the site location.

13 The current zoning of the property on Kipling
14 Drive in our discussions with Mr. Noffsinger and his
15 staff would have required the extension of a street of
16 Kipling Drive down the middle of that two acre tract
17 making an elbow and coming out to exit on JR Miller
18 Boulevard, which essentially dissected the property in
19 half and did not give us ample room to construct the
20 facility.

21 So for the ladies and gentlemen of the board,
22 that's the reason we moved from the Kipling Drive site
23 over to Mr. And Mrs. Hedden's property. Had nothing
24 to do with we moved because of the neighborhood.

25 We belief and we feel that if you look at the

1 overall population density of the neighborhood, that
2 it would be consistent to place this facility at the
3 location.

4 True you have single-family residences on
5 Higdon Road, the new economic developments there
6 between JR Miller Boulevard and Veach Road. I would
7 point out the land directly west of the property is
8 undeveloped. I had heard indications that a church
9 was looking at acquiring that facility. If that's
10 true or not, I cannot attest, but that's what I have
11 heard. That property could be developed commercial.
12 It has any number of uses.

13 On the other side of the bypass we would point
14 out, that pretty much is all commercial property.
15 Now, if you continue to go directly west, you're
16 running into apartment complexes.

17 MR. NOFFSINGER: Excuse me. I think it would
18 be south along Veach Road. You would be going south.
19 North would be toward town and then west toward JR
20 Miller Boulevard.

21 MR. MEYER: Correct. If you go across JR
22 Miller Boulevard again, you're getting into an area
23 that is residential, but it's also apartments, higher
24 density type use.

25 You look at the overall concept and the

1 contours of the land that we believe that the placement
2 of this facility does fit and comport with the
3 appropriate regulations of the zoning code and also
4 with the appropriate Kentucky statutes.

5 I understand safety is a big concern. As I
6 stated before, everything within the power of this
7 entity will be to make sure that it is safe so that
8 people can lay out in their bathing suits, garden and
9 let their grandkids play in their yard.

10 These individuals want to be good neighbors.
11 It's interesting to come down and talk with the people
12 in our program because they all know that they made a
13 mistake. That they face a lot of obstacles in their
14 life. They're contrite. They're contrary. They
15 really want to get back into society. If we don't
16 give them a chance and don't give them an opportunity,
17 where will they be? It has to be given to them
18 sometime, and it should be given to them sometime. We
19 all deserve a second chance. We've all made mistakes
20 in our lives that we regret. We just hope that those
21 that we've hurt forgive.

22 It's interesting that those that graduate from
23 the program, to watch them as they're proud that
24 they're holding a job down and they find goodness in
25 that. They're even more proud when they get their

1 children back. They regain the love of their spouses
2 and they're able to come back and truly they work a
3 little harder I believe because they know they've got
4 something to make up. They know that they've cost you
5 and I and everyone in this room money. Everybody
6 knows the escalating cost of the jail. Seems like
7 every time we turn around they're having to raise the
8 money from the state. They've done it twice I believe
9 in the last two legislative sessions.

10 There's discussions now about how county
11 governments aren't going to be able to fund the jail
12 so maybe the estate should take over the system.

13 Unless we stop whatever is causing people to
14 go into jail, those costs are just going to continue
15 to escalate.

16 The safety concerns were addressed to drug
17 addicts, people using. Certainly I don't like drug
18 addicts or the negative connotations that they bring,
19 but there's a difference between a drug addict and a
20 person in our program. The people in our program, as
21 I indicated, don't like that label and they know
22 they've got a lot to overcome and they work hard to do
23 it.

24 I will point out that as a part of the program
25 individuals are constantly randomly drug tested. If

1 they turn dirty - - the program operates right now
2 where it is, they turn dirty, you're out of the
3 program and we're going to see the judge. If they're
4 using, we find out about it and we're able to address
5 that and address that appropriately by reports back to
6 the court, reports back to the parole officers. Then
7 the individuals are treated accordingly.

8 The program is not for everybody. We can't
9 address the gentleman that had a problem with one
10 person in the program. Each person is different, but
11 we only want - - only people who want to be there,
12 will be there. If they don't want to be there,
13 they're not forced to be there. It's a voluntary
14 program. If you make a mistake, you leave and you're
15 exited from the program.

16 MR. DYSINGER: Can I ask a question on that
17 point. Is there ever a situation where - - it's a
18 voluntary program you stated. Earlier you mentioned
19 some organization, law enforcement agency that
20 optioned a third of your beds.

21 MR. MEYER: Correct.

22 MR. DYSINGER: What organization was that?

23 MR. MEYER: That was the Kentucky Department
24 of Corrections.

25 MR. DYSINGER: Do you have the same amount of

1 control over those participants in your program as you
2 would the other 66?

3 MR. MEYER: Absolutely.

4 MR. DYSINGER: So you can deny, if you can
5 disclose the nature of that arrangement. They cannot
6 compel someone to be there?

7 MR. MEYER: That's right. They still have to
8 go through the same screening process, screening
9 programs.

10 MR. DYSINGER: Regardless of the nature of the
11 class of the people, to me the issues comes down to,
12 at least a little bit, whether people are there 100
13 percent voluntarily, which I think is an important
14 part of what your group does, and someone being
15 compelled to be there. To me that changes the nature
16 of this a great deal.

17 MR. MEYER: Those individuals coming from the
18 Department of Corrections are not compelled into the
19 program.

20 MR. DYSINGER: Are they given your program as
21 an option to jail?

22 MR. MEYER: Yes, in a sense they would.

23 MR. DYSINGER: What does that mean, "in a
24 sense they would"?

25 MR. MEYER: Yes. We will probate. You would

1 serve part of your sentence. If you have a five year
2 sentence you can serve part of your sentence. You can
3 be paroled out as a condition of the parole. You will
4 be in program. You have to complete and comply with
5 the program. It is compelled. That's no different
6 than parole itself. When you're let out on parole you
7 have certain conditions and requirements that you have
8 to meet.

9 MR. DYSINGER: I would say the difference
10 would be a question of scale. Possibly 100 people in
11 one spot of people who perhaps are not there
12 completely willingly.

13 Again, I'm in huge support of what you guys
14 do. Please don't take this the wrong way. But the
15 idea that it's either this or jail, and so in density,
16 the two issues combined, to me seem to change the tone
17 of the issue.

18 MR. MEYER: Right. If you were there - -
19 eventually those people are addressed. If they're
20 there, not for the wrong reasons, they will leave.
21 Something will happen. Something will occur.

22 MR. DYSINGER: I think that's what these folks
23 are worried about, sir.

24 MR. MEYER: Right. That's where I was saying
25 earlier. More often times than not it's not going to

1 occur within the area of the facility because you have
2 99 other individuals in the facility who are watching
3 that person because they know, those 99 know that if
4 that person messes up in the facility, the whole
5 program is in jeopardy. The whole existence of it
6 there is in jeopardy. In that sense, the whole
7 program is based on peer to peer monitoring. That is
8 the greatest pressure of all, as we know. It's that
9 constant oversight by individuals in the program.
10 They're all together in one cause.

11 You have that. They're not going to except
12 that or allow it. Because if they do then their whole
13 existence in the program and their whole ability to
14 get out for the right reasons is in jeopardy. So that
15 is a way that issue is addressed.

16 CHAIRMAN: I think you've hit that. Let's get
17 back to a couple of questions that they asked.

18 The evaluation and taxes in that area. What
19 effect will that have?

20 MR. MEYER: That would be a question, again,
21 no one knows. No one can attest.

22 CHAIRMAN: In your opinion.

23 MR. MEYER: In my opinion, I think in the long
24 run it the will not effect those property values at
25 all. We do not.

1 CHAIRMAN: The next one flooding and the
2 effects they're going to have in their areas.

3 MR. MEYER: If we were never to build on a
4 floodplain, Owensboro would probably be a tenth of its
5 size. We all known the town is built in the
6 floodplain.

7 CHAIRMAN: But that don't - -

8 MR. MEYER: I understand that. I understand
9 that. Mr. Bryant is a very capable engineer, very
10 successful individual. Has been involved in a number
11 of developments in the area. We will comply with
12 every requirement that we are required, every agency,
13 which I know you're dealing with several state
14 agencies. You're also dealing with probably federal
15 agencies and FEMA to ensure that we do not add or
16 exacerbate existing flooding problems. I know that's
17 on everybody's mind because in the last three weeks
18 we've had three of the largest rains that we've had
19 since probably '97. Every requirement that we are
20 required to do, we will meet every obligation with
21 respect to flooding and displacement. We will make
22 and meet to ensure that nothing more is placed on
23 these individuals than already is.

24 CHAIRMAN: Any other board members have any
25 other questions you want to direct at this time?

1 MR. DYSINGER: The applicant or just in
2 general?

3 CHAIRMAN: The applicant right now.

4 MR. MEYER: If I may bring Mr. Bryant up to
5 help explain the flooding.

6 MR. BRYANT: I've brought a copy of a FEMA for
7 this area. I would like to put this flooding issue in
8 perspective. I think the best way to do it we'll call
9 this a make-shift exhibit and I'll submit it. It's
10 been used quite a bit.

11 You'll notice on that map there's quite a bit
12 of dark gray area. All that dark gray area is
13 regulated flood zone. It takes in this entire area.
14 It takes in probably half or so of the Fiddle Sticks
15 development. It takes in Salem Drive. It takes in JR
16 Miller, parts of JR Miller, Southtown Boulevard, the
17 mall.

18 This property is going to develop for some
19 purpose at some time when economics dictate that you
20 can go in and fill the site and take it out of the
21 flood zone just like the commercial properties in the
22 area. It has nothing to do with what's proposed for
23 the site.

24 If you look at what's proposed and the seven
25 acre site, I think you'll find that this facility is

1 going to leave a lot more green space, open space than
2 if this project developed even as a subdivision.

3 Gary, what's this zoning on Fiddle Sticks?

4 MR. NOFFSINGER: Mr. Bryant, I believe that is
5 R-1C, which is single-family residential
6 classification.

7 MR. BRYANT: How many homes under R-1C? How
8 many homes can you build per acre? One per 5,000?

9 MR. NOFFSINGER: One per 5,000 square feet.
10 So it's about nine per acre.

11 MR. BRYANT: I know this is hypothetical, but
12 if this were developed as a residential development,
13 it will be a logical expansion across Veach Road.

14 I did some rough numbers awhile ago. Just on
15 a seven acre site for R-1A, you would be allowed to
16 build one house per 10,000 square feet. That would
17 yield approximately 30 homes on this site at one in
18 10,000. At one in 5,000 it would be 60 homes. The
19 impact on drainage would far exceed what's being
20 proposed with this single building and parking
21 facility on a seven acre site. At three residents per
22 home, 30 homes would yield 90 people. If you went to
23 R-1C at three residents per home, that would double
24 and you'd have 180 people residing on this site. They
25 propose 100. Just trying to put everything in

1 perspective.

2 This site, the marked site to the west of it,
3 the area immediately to the west along the bypass,
4 both north and south side of the bypass are being
5 developed for mixed use. The marked site may or may
6 not be developed as residential because it's a borrow
7 pit that's been filled in. I would suspect that that
8 site will be probably commercial at some point.
9 That's my own feeling because of the nature of the
10 site.

11 When is the last time of all the commercial
12 properties and residential developments that have
13 taken place in the area shown on that flood map, the
14 areas in gray that are in a regulated zone, I'm trying
15 to think of one development that has been flatly
16 turned down because it's in a flood zone. They
17 presented design issues. We had to deal with
18 permitting. It affected the cost of development, but
19 I can't think of one development that's been denied
20 because it's in a regulated flood zone. Why is this
21 site any different than all those other sites shown on
22 this map?

23 We're going to have to address the drainage
24 issue, but I think that needs to be taken into
25 perspective that we have public improvement

1 specifications which place requirements on design and
2 construction. We have to go through the permitting
3 process. We'll have to submit to the Division of
4 Water. We've agreed to meet the one to one
5 displacement. Which means any areas that are filled
6 above base flood will be offset by at least an equal
7 amount of new volume that's created on the site.
8 We're not going to bring any outside material in.
9 There will be no dirt hauled in to fill the site.

10 Drainage will have to be dealt with, but it's
11 not an issue. In my opinion it's not an issue that
12 determines whether or not this conditional use should
13 be granted. If you're doing that, you're saying this
14 site is not suitable for development for any purpose
15 at any time.

16 CHAIRMAN: Mr. Bryant, would you like to
17 address one other question that was made. In your
18 opinion, what affect this will have on values in that
19 area after being built?

20 MR. BRYANT: I don't think I'm qualified to
21 address that.

22 CHAIRMAN: Thank you.

23 Any other questions?

24 MR. THOMPSON: Mr. Chairman, can I make one
25 quick comment?

1 CHAIRMAN: Yes. Come forward.

2 MR. THOMPSON: I promise to be brief and I
3 think this is new.

4 The only point that I'd like to ask the board
5 to consider in your final deliberations and
6 discussions is that remember that the people that will
7 be receiving the benefit of this institutional
8 facility, that will be receiving the treatment and the
9 counseling don't care where they get that treatment
10 and counseling. They're only interested in the
11 product. They're not saying, well, I'm not going to
12 go get the treatment or the counseling because I don't
13 like where it's located. We don't know many people
14 that refrain from going to Owensboro Medical Health
15 System for a problem because they don't like where
16 it's located. So they have no stake in the location
17 and no concern in the location of where they get that
18 treatment. They go where the treatment is. Whereas
19 and conversely and most important, the neighbors that
20 are already there are concerned about an institutional
21 facility locating in their neighborhood and they are
22 concerned about the location because they were there
23 first and they're there in a residential setting and a
24 residential enjoyment where they raise their families
25 and have family reunions and not in an institutional

1 setting.

2 The only other point that I'd make along those
3 lines is that if there are consequences of the
4 improper integration of an incompatible use in a
5 single-family predominately neighborhood, which I
6 think this certainly qualifies that, that those
7 consequences and those risks will not be born in those
8 adverse influence, will not be born by the residents
9 of this institutional facility. They will be born by
10 the stakeholders. The stakeholders are the residents
11 that live there now and have lived there. Thank you.

12 CHAIRMAN: Before we come back to opposition,
13 is there any other comments from the applicant at this
14 time?

15 Come forward and state your name.

16 MR. ELLIOTT: State your name, please.

17 MR. SLONECKER: My name is Michael Slonecker.

18 (MR. MICHAEL SLONECKER SWORN BY ATTORNEY.)

19 MR. SLONECKER: I would introduce myself as
20 I've been a resident of Owensboro for over 23 years.

21 Since that time I have been an advocate for
22 this community for health reasons. I have recently
23 been involved with community solutions for substance
24 abuse for the last four years as an advisor to the
25 board of directors. I'm also an advisor to the board

1 of directors for Lighthouse Recovery. I will say that
2 within this room there's only one other person that
3 has knowledge or experience in substance abuse greater
4 than myself. She's sitting over there.

5 With that in mind, I understand the concerns
6 of the neighborhood. I understand their apprehension
7 about having an institution or organization like this
8 in their backyard. But I'd also venture to say that
9 none of these people have ventured to Lexington to
10 visit the Hope Center or to Louisville to visit the
11 Healing Place. If they're interested in doing that, I
12 will personally finance transportation for them to do
13 so because they are two of the most credible
14 organizations in this nation.

15 I've had the opportunity to work with both
16 groups, the Lighthouse group and the Community
17 Solution, in trying to capture some issues in this
18 community because all of us have buried our heads in
19 the sand when it comes to substance abuse. We need a
20 location. This was apparently, according to J.D., the
21 second best location and this is where we ended up.

22 I think if you were to visit these facilities,
23 talked to the residents, talk to staff, talk to the
24 neighbors, you'll find that it is not misplaced where
25 it's located.

1 I think also, for the record, I would like to
2 mention that I have attempted four time in the last
3 month to contact Representative Thompson to discuss
4 this issue before it got to this point this evening.
5 I never received a phone call back. I left phone
6 messages. I left voice mail. I've left messages with
7 his receptionist so that we wouldn't end up in this
8 kind of a conversation. So we could figure out where
9 the concerns were.

10 Rather this is an economic issue or a fear
11 issue, my concern is this is a social issue. This is
12 not a concern about Lighthouse Recovery. This is a
13 concern and a problem of Owensboro, Kentucky. We have
14 an epidemic going on here. Unless we do something
15 about it and we do it soon we're talking about
16 quadrupling the expense of our health care in our
17 community within the next five years.

18 What we have found is based on the criteria
19 that we're limited with, with the parties that are
20 involved with partnership to offer us three or \$4
21 million worth of the facility in this community that
22 has to meet certain specifications. We don't have
23 another location. Do we throw it away?

24 We announced at the chamber breakfast this
25 morning that we've gotten the governor's okay for his

1 portion of the money. We went through the hoops that
2 was necessary to get funding from the Federal Housing
3 Authority. We got money from the governor's office of
4 local development. We have the Kentucky Housing
5 Corporation behind us. We have people from Owensboro
6 that work in Frankfort that want this facility in
7 Owensboro. Are we going to throw it away? It's up to
8 you folks. It's not up to me. I don't care. I don't
9 have a vested interest in this. All I know is we have
10 a problem and if we don't deal with it, we're not
11 going to have people capable of making a living, to
12 buy tickets to go to a rec-plex or anything else.
13 This is an issue. We need to address it and we need
14 to address it tonight. That's all I have. Any
15 questions?

16 CHAIRMAN: Any questions for the gentleman?

17 (NO RESPONSE)

18 CHAIRMAN: Any other comments from the
19 applicants?

20 Come forward, please.

21 MR. ELLIOTT: State your name, please.

22 MR. BURGESS: My name is Stan Burgess. I
23 serve also as president of Community Solutions and
24 Substance Abuse.

25 (MR. STAN BURGESS SWORN BY ATTORNEY.)

1 MR. BURGESS: I would just like to take a
2 minute and remind the community and the board of the
3 cost of the issues to this community and broad base
4 things that we don't often think about.

5 When you talk to the sheriff in this county,
6 you'll find that he will tell you about 60 percent or
7 more of his total departmental expenditure is done
8 because of drug or drug-related expenses. These
9 numbers may not be exact, but that's something in the
10 neighborhood of \$2 million.

11 When you have a conversation with David
12 Osborne, the jailer, and you say, what percent of your
13 jail exist because of drug or drug-related issues, his
14 number is somewhere around 80 percent. There's
15 another conservative \$4 million this community is
16 paying this year, last year, next year.

17 When you turn and you look at the police
18 department of the City of Owensboro and you ask Chief
19 John Kazlauskas, sir, what percent of your budget is
20 expended on drugs and drug-related issues? His answer
21 was 75 percent. His budget is a little under \$9
22 million. So do some quick math there. Somewhere in
23 the vicinity of 5 to \$6 million the city spends on
24 this issue every year. Not just this time, but every
25 year because of the drug epidemic that Mike talks

1 about in the community.

2 You can look at other areas. When you go and
3 you talk to the judges in our community and you say,
4 Your Honor, what percent of your docket relates to
5 drug or drug-related offenses? The number we hear is
6 80 percent, 90 percent.

7 Does that mean that I don't get a timely
8 hearing of my issues when I go into the judiciary
9 system? Why is that? Because of drugs.

10 I asked Keith Cain a year or so ago, I said,
11 you know where I live in the county. How many
12 deputies do I have protecting me at night? He told me
13 I had one-half deputy. I said, that's interesting. I
14 said, how much area does that one-half deputy cover?
15 Half the county. Am I vulnerable as a county
16 resident? You bet I am. Is that a criticism of Keith
17 Cain? Absolutely not. The man has been awarded
18 across the nation for his work in drug enforcement.

19 Does it connote what happens to the citizens
20 in this community when we don't address this issue?
21 It absolutely does. We're entitled as a general
22 citizen of this community to better than what we're
23 receiving. That means taking a new approach, taking a
24 different approach and breaking the circle of drug
25 addiction, arrests, confinement and around we go

1 again.

2 So this community is paying a very heavy price
3 today because of this issue. We have only addressed a
4 very small part of it. Because if you go to the best
5 statistical studies that we can find, and these are
6 guesstimates, and please understand that.

7 That alcohol accounts for about a \$15 million
8 loss in a community of this size. That's more in a
9 workplace cost and less in a pure government cost.
10 What's interesting about that statistic is that when
11 you go to treatment professionals in our community,
12 they say, but, Stan, that study didn't talk about any
13 other kind of drug. Did you know that 40 percent
14 nearly of our new addictions in this community are
15 because of meth? No connection to alcohol whatsoever.

16 I think as citizens we have to weigh so many
17 values. We have the weigh the values of this
18 community, what we are paying each and every year in
19 cost and we can identify. A lot of cost we can't
20 identify. The charity care of our local hospital has
21 gone up and up and up. Doubled and sometimes more.
22 One of the driving factors of that has substance
23 abuse. There are so many factors to weigh in looking
24 at this issue. You cannot ignore it. Thank you.

25 CHAIRMAN: Any other comments from the

1 applicant?

2 (NO RESPONSE)

3 CHAIRMAN: We will take the other side for a
4 few minutes. Whoever wants to come up.

5 MR. ELLIOTT: Identify yourself.

6 MR. KIRBY: Roger Kirby.

7 MR. KIRBY: The epidemic portion of the drug
8 abuse, that's right. You're going to bring the to our
9 backyard. The man said he didn't have vested
10 interest. I do. It's in my backyard. They talk
11 about 100 bed building. I have lived at that address
12 for 30 years. How many times do those 100 beds are
13 going to rotate through that place? What's the
14 percentage of people that could possibly be put there
15 unvoluntarily? How many beds is that? How many was
16 it?

17 MR. DYSINGER: He said they would not be
18 compelled by the state if that's - -

19 MR. KIRBY: Could be.

20 MR. DYSINGER: Could not be compelled
21 according to the testimony.

22 MR. KIRBY: How many times is that going to
23 roll over and over? And how many chances are they
24 going to put our community, our few homes that are
25 there in harms way? Every time a person goes in

1 there, how many people is that? I don't believe that
2 you're putting one bullet in a gun and just spinning
3 it. One of these times it's going to go over on us.
4 It's going to go over on us. They can go build that
5 building someplace else.

6 CHAIRMAN: Any questions?

7 MR. DYSINGER: I have a question for J.D.

8 You discussed about the Kentucky Department of
9 Corrections having option on 33 of the beds. When I
10 asked could they be sentenced or compelled to be at
11 your facility, you said no.

12 MR. MEYER: Somebody coming up for parole.

13 MR. DYSINGER: An alternative to jail.

14 MR. MEYER: I condition understand your
15 question.

16 MR. PIERCE: Rich Pierce.

17 I think what you're asking, can they look at
18 somebody and say, you have to go to Owensboro Regional
19 Recovery, and the answer is no. That person obviously
20 has an alternative and, yes, there is argument of do
21 you want to go to jail. Your alternative is this
22 program where you are screened.

23 They still have a screening process that they
24 have to go through. You can still look at that person
25 and say, I'm sorry, based on what we see in your file,

1 you are not eligible, and they go to jail. That's the
2 difference.

3 It's not an option. It's not written
4 agreement. It's they can take up to - - they said, we
5 have such a problem that we could fill up to a third
6 of those beds, but he still has, the group still has
7 the ultimate authority to accepting or rejecting those
8 people from the Department of Corrections.

9 So even if that person says, yes, I don't want
10 to go to jail, I want to get in the program. He can
11 still say, I'm looking through your records, there
12 was, you know, there was a gun involved and, no, I'm
13 sorry. I think there is some person here that is not
14 appropriate. Does there have to be a defined reason?
15 Absolutely, but that is why there are screening
16 criteria in place.

17 CHAIRMAN: Anything else?

18 MR. MEYER: Those individuals as they come out
19 now for parole they don't have that extra option.
20 It's how you do. We look at it as, okay, probation,
21 parole and Kentucky Department of Correction says,
22 you've got the option of probating. This individual
23 they're eligible for parole we can't just let them out
24 right now. They haven't addressed the reason they are
25 incarcerated.

1 This program helps the Kentucky Department of
2 Corrections because now when that person, that
3 individual is up for parole, they can say, in addition
4 to that, we want you in this program here. If they
5 are qualified, that helps the Kentucky Department of
6 Corrections because through the program they won't see
7 that individual again.

8 We ask you look at the public in a whole and
9 welfare of the public as a whole and approve the
10 conditional use permit.

11 CHAIRMAN: Give you one more person to
12 comment.

13 MR. ELLIOTT: Restate your name.

14 MS. STIFF: Debbie Stiff.

15 I too want you to look at the community as a
16 whole because there is a whole lot of people that use
17 that Greenbelt.

18 I think if the community knew that you all
19 were proposing to build the facility on that
20 Greenbelt, I think you would have public outcry
21 concerning that.

22 We are not opposed to the Lighthouse facility.
23 We are not. We are just concerned about it being
24 literally just on the other side of our fence or our
25 property lines.

1 One of the gentlemen that spoke said that he
2 was concerned about the health issue. Well, the
3 Greenbelt proposed for the health issue is a concern
4 right there. If you came and looked how close they're
5 going to be, it's just unbelievable. I won't get on
6 my bike on the back again or let her ride beside me.
7 How will I comfortable on that? How will our
8 community feel comfortable on that Greenbelt jogging
9 right up beside that facility?

10 If someone does escape from there, it's a 100
11 man facility and the turn over there, it's going to
12 happen at some point. They're going to their roots,
13 but how are they going to get there? They're going to
14 go through my backyard. They're going to go through
15 my neighborhood because it's a lot more wide open.
16 You have your bypass there. They're going to go
17 through the houses, going to go through our area
18 because the area is more open and more visible.
19 They're going to go through our backyard.

20 I agree the facility is needed. I'm 100
21 percent for it, but not where I live. Yes, we are on
22 floodplain, but we are not concerned because we live
23 on floodplain. We are concerned because we have had
24 water filling our basements in our homes surrounding
25 our proches for weeks. We have had water in our

1 houses. This is different. We have experience of
2 living with water. It's not just a flood zone. It
3 affects us in a very direct way.

4 I just ask that you really do consider where
5 this is being placed because I don't think the
6 community is going to support this when they see that
7 it is on that Greenbelt. It was suppose to be a place
8 that people felt safe. They could exercise for
9 health. Once they know, they don't know. They
10 haven't connected. They don't know that people are
11 planning to use this Greenbelt to get to that
12 facility. Once they find out, I don't think they're
13 going to like it and people are not going to feel
14 safe. It's not just us. I understand we're 20
15 houses. I understand. We're not going to - -
16 understand you've got to see the whole picture. I
17 understand, but look at the whole picture for our
18 community.

19 CHAIRMAN: One other lady have a comment over
20 here.

21 MR. ELLIOTT: State your name, please.

22 MS. NOLAN: Donna Nolan.

23 (MS. DONNA NOLAN SWORN BY ATTORNEY.)

24 MS. NOLAN: I am chairperson of the Lighthouse
25 board, but more than that I'm director of the Goals

1 Program at the Daviess County Detention Center and
2 thank you for your comments.

3 I think my big thing here here is the passion.
4 I know how recovery programs work. I want you to
5 understand one thing. The people that are in this
6 facility, they don't just come in one day and the next
7 day they're going out on the street. Programs like
8 Recovery Programs are set up in phases.

9 In the first phase they don't go anywhere.
10 They're right there.

11 One thing about recovery and about treatment
12 you have to realize is we realize, and I understand
13 your care and concern about all of this, but we
14 realize that if you're involved in this on a daily
15 basis it's hard to see the whole picture.

16 The first few months they will not, the two
17 first two or three months they're not allowed to go
18 anyplace. They are getting off of that drug at that
19 time. Does everybody make it? No, not everybody
20 makes it through my program. I wish I was that good,
21 but I'm not.

22 Can they make it? Yes. We take every avenue.
23 The Hope House and the Healing Place who I work with a
24 lot, they take every precaution in that neighborhood.

25 I just want you to know that at the Recovery

1 Program we're not just an AA meeting. AA is very
2 important with this, but we do a lot of this. There's
3 going to be a lot of recovery programs. They're going
4 to have things that they have to do.

5 If you start programming at 8:00 in the
6 morning and you program all day long. This is not
7 just an hour or two a day group. This is a program
8 that last 24/7. I just want you to know that. That
9 we are addressing recovery issues. I have a passion
10 for this and I'm going to tell you, if I didn't think
11 it would work, I would be over there sitting with you
12 guys. I really would. I know it works and I just
13 wanted to say that. Thank you.

14 CHAIRMAN: Has anybody have new ideas,
15 comments that we haven't heard already?

16 Come forward.

17 MR. ELLIOTT: Just identify yourself for the
18 record.

19 MR. SLONECKER: Michael Slonecker.

20 I do have an idea and it's an opportunity.
21 It's a win-win for everybody.

22 My understanding is as these people go through
23 the program they're going to need additional housing,
24 permanent housing. There's funding for permanent
25 housing through the Kentucky Housing Corporation and

1 other groups to provide ongoing permanent housing for
2 people that have been displaced from their homes.
3 It's the same thing with homeless centers.

4 Two or three years ago there was an
5 established on state and federal level a goal to
6 eliminate homelessness. How are they going to do
7 that? Well, they're going to push people into
8 facilities. Individual housing units to teach them
9 skills on how to survive, how to live, how to manage
10 and those sorts of things. It's the same deal with
11 substance abuse.

12 When you get to the end of that tunnel, we're
13 not going to show somebody out there the notation.
14 They need a place to live. They need skill
15 development. They need career counseling. They need
16 legal assistance. They need homes. They need to
17 learn lots of things. There's an opportunity. My
18 understanding is there's 10 to 12 homes that we're
19 dealing with here. Why don't those 10 to 12 homes go
20 to a local developer and say, why don't you buy our
21 property and turn it into housing for these people so
22 they can go from one step to the next step. To me
23 that's a solution and it's a win-win for everybody
24 because your developer makes money, the people that
25 sell their property they make money. If they're

1 affraid of living near somebody that's in the recovery
2 process, that solves the problem.

3 CHAIRMAN: I think we've pretty well heard
4 everybody's comments now.

5 Does any board members have any questions from
6 anyone at this time?

7 (NO RESPONSE)

8 MR. PEDLEY: Mr. Chairman, I have a few
9 comments I would like to make. We're very sensitive
10 to both sides I can assure you. I think I would trade
11 seats with any of you right now.

12 What this is all about is to protect us from
13 one another. KRS 100, Kentucky Regulatory Statutes,
14 is public health, safety and welfare. So that's what
15 we're here for.

16 We have to look at this issue of existing
17 homeowners. We have this facility wanting to move
18 into your neighborhood.

19 As a board member we have to look and decide
20 if it is a safety issue, or welfare issue, or
21 whatever. We've got to make that decision. That's
22 what it's all about. To protect me or you from me.
23 It's to protect one another from our actions.

24 This is a very tough decision for any board
25 member here. I assure you we take both sides very

1 seriously. This is a much needed facility. We all
2 realize that. It's much needed, but the neighbors in
3 opposition tonight has made some very strong
4 arguments. We have to consider all of them.

5 I'm not prepared right now to make my
6 findings. I would like to postpone this until until
7 next meeting to prepare a findings and do some soul
8 searching.

9 At this point I will make a motion to postpone
10 our decision until the next meeting. We won't hear
11 arguments or presentations. We will give you our
12 decision at the next meeting.

13 I make a motion to postpone for 30 days on our
14 decision.

15 CHAIRMAN: Before I accept that motion, any
16 other board have any comments or questions you would
17 like to present to the board before I accept his
18 motion?

19 MR. DYSINGER: I do, Mr. Chairman, if it will
20 be all right.

21 The postponement I certainly support that, but
22 only if it was so that you all could have an
23 opportunity to collect actual evidence. There's three
24 issues tonight that we've heard that to me are the
25 most important of all the issues that we talked about.

1 The density issue I think is important.

2 Gary, maybe Staff can provide us something on
3 that, a comparison to the surrounding neighborhood,
4 something hard facts taht we can look at.

5 MR. NOFFSINGER: Sure, we can do that.

6 MR. DYSINGER: Safety issue. I'll leave that
7 up to either side. If you want to take a look.
8 There's three other facilities here in Owensboro.
9 There's the facilities that the gentleman mentioned in
10 testimony. I recommend everybody actually take a look
11 at those statistically hard figures. I suspect I
12 probably will be.

13 And the property value issue. It's the same
14 thing. It's easy to say, gosh, I think this is going
15 to hurt property value, but we can't or I can't as a
16 board member, we can't go by, I think this might
17 happen. We can't. Hard facts evidence is what we
18 have to base our decisions on.

19 Again, I support the Lighthouse mission a
20 great deal. I can't tell you, but at the same time we
21 need evidence on both sides to help us make the most
22 informed decision. That's all I would say on that.

23 CHAIRMAN: Any other board member have any
24 comment at this time or question?

25 (NO RESPONSE)

1 MR. NOFFSINGER: I do have a statement. That
2 is if this is postponed it will be considered at 5:30
3 p.m. at this same location on the first Thursday in
4 September. I do not have the exact date. We need to
5 be mindful of when that will be. It will be the first
6 Thursday in September at 5:30. September 7th.

7 MS. MASON: Ward made a comment that you did
8 not want any other evidence to be presented, but then
9 - - that was your motion so I didn't know if we needed
10 to amend it.

11 MR. PEDLEY: If the board feels we need
12 additional information, then I will amend my motion to
13 allow other evidence.

14 CHAIRMAN: Does the Staff have anything else
15 to add?

16 MR. NOFFSINGER: No, sir.

17 CHAIRMAN: Board members?

18 (NO RESPONSE).

19 CHAIRMAN: Attorney's advice?

20 MR. ELLIOTT: No.

21 CHAIRMAN: I'll accept your motion.

22 MR. DYSINGER: Second.

23 CHAIRMAN: A motion has been made and a
24 second. Any other comments?

25 (NO RESPONSE).

1 CHAIRMAN: All in favor raise your right hand
2 that we postpone it.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.
5 Any other item to come before this evening?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: We need one final motion.

8 MS. DIXON: Move to adjourn.

9 MS. MASON: Second.

10 CHAIRMAN: All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)
3

4 I, LYNNETTE KOLLER, Notary Public in and for
5 the State of Kentucky at Large, do hereby certify that
6 the foregoing Owensboro Metropolitan Board of
7 Adjustment meeting was held at the time and place as
8 stated in the caption to the foregoing proceedings;
9 that each person commenting on issues under discussion
10 were duly sworn before testifying; that the Board
11 members present were as stated in the caption; that
12 said proceedings were taken by me in stenotype and
13 electronically recorded and was thereafter, by me,
14 accurately and correctly transcribed into the
15 foregoing 107 typewritten pages; and that no signature
16 was requested to the foregoing transcript.

17 WITNESS my hand and notary seal on this the
18 15th day of August, 2006.
19

20 _____
21 LYNNETTE KOLLER
22 OHIO VALLEY REPORTING SERVICES
23 202 WEST THIRD STREET, SUITE 12
24 OWENSBORO, KENTUCKY 42303

25 COMMISSION EXPIRES: DECEMBER 19, 2006
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY